

THE TIMES

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30p
EVERY
WEEKDAY

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Law lords split 3-2 on extradition

Straw must decide fate of Pinochet

By JOANNA BALE, PHILIP WEBSTER, RICHARD FORD AND FRANCES GIBB

JACK STRAW was facing the biggest dilemma of his career last night after the Lords ruled that General Augusto Pinochet's position as a former head of state did not protect him from prosecution for genocide.

The Home Secretary must now decide whether to allow extradition proceedings against the former Chilean dictator — who celebrated his 83rd birthday in a London hospital yesterday — to go ahead.

The decision was thrust into Mr Straw's hands after five law lords voted by 3-2 to overturn the High Court's ruling that the general's status gave him sovereign immunity from arrest and extradition to Spain to face charges in connection with the disappearance of hundreds of Spaniards during his 17-year reign.

The ruling was greeted with wild cheers by hundreds of anti-Pinochet protesters outside Parliament and the hospital where he is convalescing after back surgery. There was also jubilation in Santiago, although that was mixed with angry attacks on British journalists by the general's supporters.

Eduardo Frei, the democratically elected President of Chile who has led the campaign for General Pinochet returned home with full sovereign immunity, reiterated that position yesterday and announced that he was sending his Foreign Minister to London. He also called a meeting



General Pinochet must remain in hospital

of Chile's National Security Council to discuss the case.

The Chilean Ambassador in London said that unless a decision on the matter was made quickly, it would become a "festering wound" in relations between the two countries, while supporters of the general said that the ruling could damage Chile's political stability.

Baroness Thatcher, William Hague and a host of senior Conservatives also called for the general to be allowed to go home. Lady Thatchersaid: "Today's judgment places the decision about what happens to Senator Pinochet back into the hands of the British Government. The senator is old, frail and sick, and on compassionate grounds alone should be allowed to return to Chile. I also remain convinced that the national interests of both Chile and Britain would be best

served by releasing him, which the Home Secretary has it in his power to do."

Senior ministers — who had hoped that the lords' decision would go the other way and let Mr Straw off the hook — were also privately suggesting that the best way out for the Government would be to send him back. The Home Secretary had been ready to make a Commons statement yesterday had lords decided in the general's favour. Now he has until Wednesday — when the general is due to appear in court — to decide whether to let the extradition proceedings take their course.

Mr Straw's difficulty is that overturning the lords — which legal experts say he could do only on compassionate grounds — would be opposed by many Labour MPs and provoke mass protests by groups representing families who suffered under the general's regime.

The strength of feeling was demonstrated yesterday by George Madaraga, a former soldier in the Chilean Army who was outside Parliament. With tears streaming down his face, he said: "I think it's a victory against every murderer in the world. It's a human victory, not a political victory. Every torturer should be brought to justice."

In his judgment, Lord Steyn, who backed the appeal by Spain, said: "The development of international law



Celebrations outside the House of Lords yesterday when the news came through of the Law Lords' judgment on General Pinochet's extradition

since the Second World War justifies the conclusion that by the time of the 1973 coup d'état, and certainly ever since, international law condemned genocide, torture, hostage taking and crimes against humanity as international crimes deserving of punishment.

"Given this state of international law, it seems to me difficult to maintain that the commission of such high crimes may amount to acts performed in the exercise of the functions of a head of state."

But Lord Lloyd of Berwick argued that almost all revolutionary leaders were guilty of serious crimes, such as murder, and that it was impossible to give state immunity to some

but not to others. He said: "It would be unjustifiable in theory, and unworkable in practice, to impose any restriction on head of state immunity by reference to the number of gravity of the alleged crimes."

General Pinochet learnt of the judgment at the private Grosvenor Hotel in Southgate, north London, where he is under police guard. He was reported to be shattered by the news, having expected to be free to return to Chile on a private plane which has been waiting for him at RAF Brize Norton since his arrest last month.

He is due to make his first public appearance in front of Bow Street magistrates on

Wednesday when he is expected to ask for permission to leave the hospital for a private house or hotel.

By then, Mr Straw should have decided whether to allow the extradition request to proceed and to that end, lawyers for the general and the Crown Prosecution Service have been asked to make representations to his office by Monday.

If he did decide to allow the case to go ahead, he would almost certainly be challenged again, this time by way of judicial review proceedings in the High Court and possibly above. If the procedure moved on from there, there would be a hearing before magistrates on the evidence, at which the

general's lawyers would again oppose the proceedings — this time on the grounds that they are political. An extradition request could be turned down on those grounds, as happened last week with the former MI5 officer David S. ...

The magistrates' decision would be subject to appeals to higher courts and the whole procedure could take months. If, in the end, the courts ruled against the general, Mr Straw would have to decide whether the extradition should actually go ahead.

Lords' ruling, page 6
Michael Byers, page 24
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Law Report, page 47



"I kicked it hoping I'd have to go back there on extradition proceedings"

Calais for car buyers

French car dealers are targeting British buyers as prices fall on the Continent as a result of harmonisation driven by the euro. A Honda Civic 1.4 is £13,400 in London and £10,433 in Calais. Page 29

Top cartoonists

Peter Brookes of *The Times* is the Cartoon Art Trust Awards Political Cartoonist of the Year and Jonathan Pugh is the Pocket Cartoonist of the Year. Page 2

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Labour popular despite economy

By PETER RIDDELL

TONY BLAIR and his Government have weathered the storm over the economic downturn, according to the latest MORI poll for *The Times*.

The poll, undertaken last weekend, shows that public confidence about the economy has picked up from its recent depths after interest rate cuts and the stock market rally.

The Government's ratings continue at near-record levels for this stage of a parliament, with Labour now commanding 53 per cent support — the same as last month.

Mr Blair's personal rating also remains very strong, with 61 per cent satisfied with the way he is doing his job, compared with 29 per cent dissatisfied. The charges of Mr Blair being a "control freak" and rumblings of dissent among Labour activists have been brushed aside by Labour supporters: 84 per cent of whom approve of his record, with a mere 11 per cent disapproving. This compares with a 80 to 15 per cent balance a month ago.

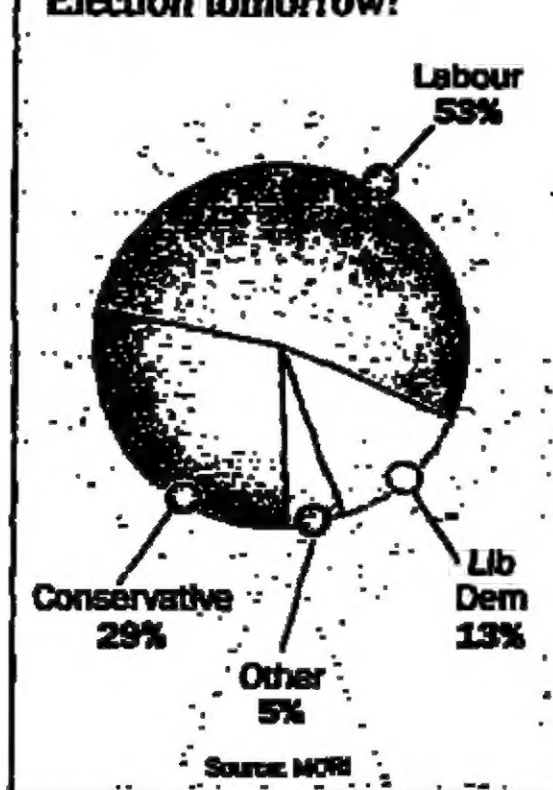
The MORI economic index, measuring the proportion of the public believing that the general economic condition will improve rather than get worse over the next 12 months, now stands at minus 31 points, up from minus 46 a month ago. But, apart from last month, this is still lower than at any time since 1992.

Moreover, the proportion of the public mentioning unemployment among the most important issues facing Britain today has dropped from 43 to 35 per cent since last month.

However, there are glimmers of hope for the Tories. Their rating has risen by three points to 29 per cent, the highest level since March last year. This has been at the expense of the Liberal Democrats, whose rating has fallen three points to 13 per cent.

William Hague's personal rating is also continuing to improve from its previous very low levels. More people are still dissatisfied than satisfied with his performance (48 to 27

How would you vote if there were a General Election tomorrow?



per cent) but this is the smallest gap since April.

Paddy Ashdown's personal rating has risen to plus 31 from plus 26, while his rating among Liberal Democrat supporters has improved from plus 65 to plus 74.

MORI interviewed a representative quota sample of 1883 people aged over 18 at 154 sampling points across Britain on November 20 to 23. Data were weighted to match the profile of the population and voting intention figures exclude those who say they will not vote (10 per cent) or who refused to say (2 per cent).

Greenbury wins M&S board war

By SARAH CUNNINGHAM

SIR Richard Greenbury has fought off an attempt to unseat him as chairman of Marks & Spencer, Britain's leading clothing retailer, after winning the backing of the board of directors at a crisis meeting held late yesterday.

He has had to agree, however, to give up the other half of his job, as chief executive. The company will make a formal announcement of the board changes to the Stock Exchange this morning.

The fate of Keith Oates, Sir Richard's deputy, who led the attempt to unseat him while he was on holiday in India, was still under discussion last night.

Reports that Mr Oates had approached non-executive directors suggesting that he should replace Sir Richard, who has a reputation in the City as an fiercely autocratic manager, threw the company into crisis this month. The company has since maintained an absolute silence on the issue and banned directors from dis-

cussing it with outsiders. Sir Richard's preferred candidate for chief executive is seen as Peter Salisbury, one of four managing directors. It was not clear last night whether he would emerge as successful. Chris Littmoden, who runs the company's US operations, is seen as another contender.

Commentary, page 31



Sir Richard: he fails to keep complete control of company

Ireland hints at rejoining Commonwealth

By MARTIN FLETCHER
CHIEF IRELAND CORRESPONDENT

IRELAND'S Prime Minister will delight Unionists today by raising the prospect of his country rejoining the Commonwealth.

In an interview with *The Times* Bertie Ahern said he would not seek to suppress a debate that he believed inevitable. The Commonwealth was "a very different thing now" to what it was when Ireland left in 1949.

Rejoining would be a hugely reassur-

ing move to Northern Ireland's Unionists. "It would be a very, very significant and historic step forward," one senior Unionist official said last night. "It would be a further sign that the Cold War in Ireland has ended."

Mr Ahern was speaking on the eve of Tony Blair's unprecedented address to the Irish parliament this morning — the first by a British Prime Minister.

Mr Blair will say that the Good Friday accord gives Britain and Ireland the chance of a closer relationship no longer bedevilled by Northern Ireland.

Downing Street officials said he would say that "down through the centuries Britain and Ireland have inflicted too much pain on each other, but now we can try to put our histories behind us and forgive and forget old enemies and look to a better future."

But Mr Blair will be talking against the backdrop of another looming crisis in the peace process caused by the IRA's refusal to disarm and David Trimble's refusal to admit Sinn Féin to government until it does. Mr Blair failed to break the logjam yesterday

during a day of talks with the political parties at Stormont that was most remarkable for a public rift between Mr Trimble, the First Minister, and Seamus Mallon, his nationalist deputy.

Mr Mallon said agreements had to be taken by the middle of next week on the size of the executive and the merits of new north-south bodies if the accord was not to unravel. Mr Trimble said generating a sense of crisis and artificial deadlines was not helpful.

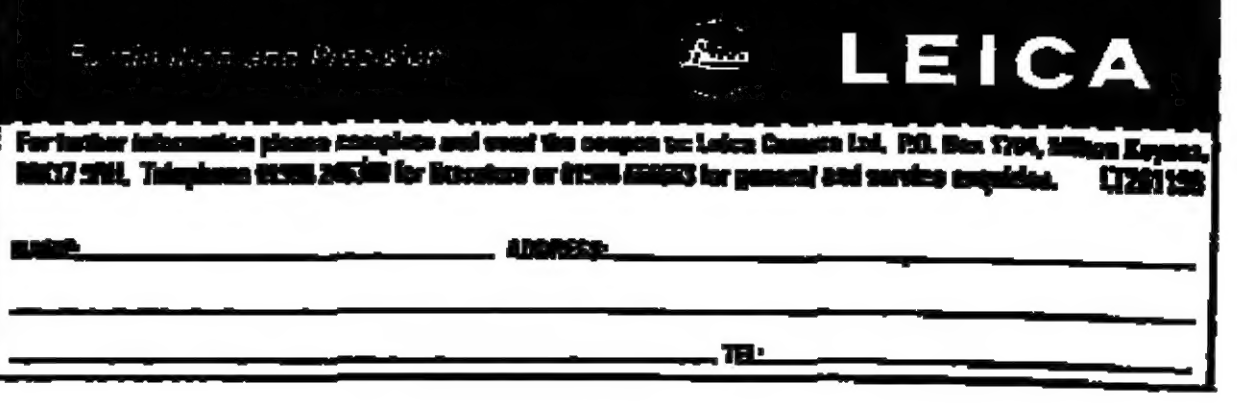
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Stinging like a bee, the Boy William proves he's a champ

"PARLIAMENTARIAN of the Year" is quite an accolade. The *Telegraph*/Highland Park trophy was presented to William Hague yesterday at a grand luncheon at the Savoy. The award suggests a politician who has swept all before him.

But Hague hasn't. The Tory leader has had a wretched year in which, despite the bullseye presented by a curiously unlikely Government, he has seldom seemed to score.

So can William Hague be called a big parliamentary striker?

I was one of *The Spectator's* judges: a group of commentators drawn from across the po-

litical spectrum, from *The Guardian* to the *Telegraph*. The others will not mind my remarking that, despairing at the way the Commons has been elbowed to the political sidelines, we agreed that on those sidelines Hague's performance had been notable.

At Questions the Boy William can usually fight a Goliath of a Prime Minister to a draw, always stings, and quite often wins. No other has been so consistently strong.

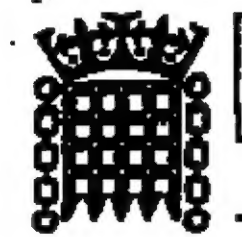
Yet the Commons chamber hasn't seemed to matter in 1998. So should we reward someone who has mattered within it? I am sure we were

right to stick to our remit. Hague has proved an able parliamentarian, and yesterday we said so.

But is anyone listening? Why does the Hague Experience impress at Westminster, yet fail to register outside those neo-Gothic walls?

Struck down by flu, I missed the awards lunch yesterday. Unusually this week I have been watching William Hague and Tony Blair through the small screen rather than live on the big Commons stage.

And for the first time I understand why non-political friends raise eyebrows when I protest that the Tory leader is



MATTHEW PARRIS
POLITICAL SKETCH

a good Commons performer, and Tony Blair often a ragged parliamentarian act. For that's not how it looks on television.

On screen, Blair is animated: Hague looks stiff, wooden. Blair has a flexible tenor: light and shade and varied pace. Hague sounds grinding, gravelly. His humorous eyes seem deadened by the camera.

The television gap with Blair is at its cruellest in Commons "feed". The chamber's cam-

as being fixed and the rules conservative, there is no scope for imaginative camerawork. Viewers get an unremitting view of that head in all its Mekon-like intensity.

Hague reminds us of those "it's your shout" programmes in which viewers can enter a curtained box and deliver themselves of their views, on automatic camera, for three minutes. Hague is lucky to get thirty seconds.

And the voice, still adjusted to "declamatory" mode for Oxford Union debates, grates on the small screen. Hague's forte (there is no piano) is the ringing denunciation, the "accuse", punctuated by withering and funny asides.

In the chamber — a small, feisty figure, a raised fist in a grand auditorium — this works well. Snipped into a soundbite and squashed into a two-foot-square frame it looks forced.

Michael Foot, one of the century's finest Commons debaters yet horribly stylised when viewed in your living room, offers a grisly example of talent

which does not translate.

Until Britain wants to take the Tories seriously, of course, nothing Hague does will rivet us. Once a figure commands attention, idiosyncrasies become valued trademarks. Hague would be unwise to try a slick makeover, for his folksy scorn for such things is an appreciating asset.

But for the moment Westminster boffins must accept that, like a wine which does not travel, the parliamentary talent celebrated at the Savoy yesterday perishes somewhere in the ether between the camera lens and your rooftop aerial.

THE WINNERS

Rhodri Morgan won Inquirer of the Year for his chairmanship of the Public Administration Commission. Debater of the Year was Kate Hoey, junior Home Office Minister, for speeches against burning hunting. Tactician of the Year was SNP leader Alex Salmond, commended for his "skill at Question Time and his use of procedures". Backbenchers to watch: John Bercow, Tory MP for Buckingham, and Lynne Jones, Labour member for Birmingham Selly Oak. Ian McCartney, junior Trade Minister, was "as impressive a minister at the despatch as almost any".

Prescott to fine rail firms for dirty trains

By ARTHUR LEATHLEY, TRANSPORT CORRESPONDENT

TRAIN companies will be fined for overcrowded and dirty trains and poor on-board catering under government plans to be unveiled today.

Standards of service by staff are also expected to be taken into consideration when penalties, like those already imposed for lateness and cancellations, are decided.

John Prescott, the Deputy Prime Minister, has drawn up a shake-up of monitoring of the 25 rail companies having conceded that the present system of regulation will not bring the necessary improvements.

Ministers have been angered recently by the decline of punctuality across much of the rail network to the same level as that of British Rail. Mr Prescott is holding a crisis meeting with the heads of the train companies, rail regulators and Railtrack, the track and signalling company, to agree improvements.

He is expected to hold open the threat of allowing British Rail to take over the running of some of the worst-performing companies unless improvements are made in the next 12 months.

As part of the changes, the Rail Franchising Director, who supervises operators, will be instructed to take into account general levels of service as well as punctuality and the number of train cancellations. Fines of more than £1 million have been imposed each quarter on some operators that have performed badly.

Mr Prescott believes that although punctuality and cancellations are the most important factors in improving railway standards, insufficient attention is being paid to passengers' opinion. Operators carry out regular surveys but, be-

cause of differences in the way questions are asked, it is not possible to make comparisons between firms. Mr Prescott is understood to want a national survey of passenger satisfaction against which performance can be assessed every six months or annually.

Also, the heads of the rail firms are to be made to attend an annual summit at which the public will be able to voice their views.

Today's meeting is intended to end arguments over services between some operators and Railtrack. A colleague of Mr Prescott said: "The public just doesn't care who is to blame, they simply want it put right. That is what this meeting is all about and we will make sure it produces results in the short term."

The Deputy Prime Minister will tell operators that, in exchange for improved performance, he is prepared to rip up existing contracts and offer the best companies longer franchises. Seventeen of the 25 contracts are due to end in 2003 but many firms argue that they cannot test sufficiently in new trains because of the short franchise period.

Mr Prescott will make clear that some contracts could be extended as early as next year where companies have shown determination to improve standards. The renegotiated contracts are likely to include tougher rules on punctuality and service standards.

He will tell today's meeting that a shadow Strategic Rail Authority will be set up by next spring, under the direction of the British Railways Board, so that it is ready to take on legislative powers as soon as an Act is passed, probably in 2000.



Tony Blair and President McAleese of Ireland at a concert in Dublin yesterday. Mr Blair addresses the Irish Parliament today. Report, page 16

MoD's £34m computer spree showed limited intelligence

Audit Office condemns purchase of 'obsolete' technology by the military, reports Michael Evans

THE Ministry of Defence spent more than £34 million on a computer system for its intelligence department, but scrapped it as soon as it came on-stream because it was out of date.

The computer for the Defence Intelligence Staff was ordered in 1988 but did not come into service until 1995, two years behind schedule.

By this time, the National Audit Office reported yesterday, information technology had moved on. The highly complex computer could not be linked to other computers in the MoD and members of the intelligence staff found they could not view several files at a time on the screen.

Another problem was that

the new computer system, made by Data Science, which is now subsumed into IBM, failed to meet updated health and safety legislation, although the auditors said it was not able to comment further on that aspect of the computer system "because of intelligence sensitivities".

The auditors said the ministry considered trying to modernise the computer to meet the requirements of the Defence Intelligence Staff but decided that the project should

be abandoned. After discarding the computer, which had cost a total of £34.6 million, the MoD bought a more up-to-date system off the shelf costing £6 million.

The highly critical report said that the MoD had failed to recognise the complexity of the system and should have ordered it in phases, so that technological advances could have been introduced as the programme progressed.

The audit office also said that the MoD had not been suf-

ficiently involved with the contractor throughout the programme, especially when it was clear that the project was "in severe difficulties".

Treasury approval for the new computer was given in February 1988, and in July the same year the MoD awarded a fixed price contract for £32.1 million. It was ready to use operationally in May 1995.

However, it was realised immediately that the computer had far too many "shortcomings".

After further study, the MoD concluded that the computer was obsolete and that "the signals-handling equipment which formed part of the system was susceptible to failure".

NEWS IN BRIEF

Tory 'cannot lead new country body'

The new body to oversee the management of rural Britain is to be called the Countryside Agency, Michael Meacher, the Environment Minister, told the Commons. The agency, created from a merger of the Countryside Commission and the Rural Development Commission, is to start operating from April 1 next year. Mr Meacher denied that the chairmanship had been offered to William Waldegrave, a former Tory Agriculture Minister and Chief Secretary to the Treasury. Mr Meacher said the job involved a close working relationship with himself: "It would be difficult to think of a former Conservative secretary of state as having that close relationship with ministers in a new and different administration."

New Deal doubts

Only 30,000 of the 148,000 taking part in the Government's New Deal for the young unemployed have found work, at a cost of £11,333 per job, according to a pamphlet by the Tory MP Damien Green, for the Centre for Policy Studies. Mr Green, who based his research on government figures, added that, as 21,000 of the 30,000 jobs were not subsidised by the Government, they would have been available anyway.

Murder case remand

An unemployed man has appeared in court charged with murdering Jenny Morrison, a social worker of Wimbledon, southwest London, who was stabbed during a routine visit to a care-in-the-community hostel in Balham, South London, on Monday night. Anthony Joseph, 26, of Balham, was remanded in custody until December 23 by a stipendiary magistrate in Clapham. The case was adjourned for seven days.

Give the M25 a miss...

A low-speed record for the M25 will be achieved this weekend by the biggest load to travel on the motorway. A 370-tonne gas turbine stretching almost the length of a football pitch and hitting 4mph will take seven hours to travel 30 miles from Tilbury to Enfield — a journey that can typically be done in 20 minutes. Transport planners have been making arrangements for the journey for more than a year.

Advert 'too nude'

A television commercial that shows the model Claudia Schiffer stripping off before climbing into a new car has been judged too risqué to appear before 9pm. The Broadcasting Standards Commission has upheld 11 complaints from viewers who protested that the Citroën Xsara advertisement contained "unacceptable nudity". In July, the Independent Television Commission rejected 121 complaints about it.

Times cartoonists draw admiration and awards

By CLAUDIA JOSEPH

THE TIMES'S cartoonists came away with a clutch of awards last night from this year's Cartoon Art Trust Awards.

Peter Brookes was named Political Cartoonist of the Year for the second time in three years at the ceremony hosted by the Labour MP and broadcaster Austin Mitchell at The Royal Institution of Great Britain.

Jonathan Pugh was named Pocket Cartoonist of the Year, beating *The Daily Telegraph's* Matt for the first time.

Nick Newman was winner of the Gag Cartoonist of the Year, Tony Husband was runner-up, and Ken Pyne was nominated in the awards, which are in their fourth year.



Brookes: "immensely proud" of his award

Brookes and Pugh said in a joint statement last night: "Cartoonists naturally regard the presentation of awards as elitist, rigged, unfair and anti-democratic. We are, of course, delighted, honoured and im-

mensely proud to have won one."

The Cartoon Art Trust Awards, which are sponsored by Hill & Knowlton, the public relations agency, are organised by The Cartoon Art Trust charity. Last night, it announced that it planned to open a British Cartoon Centre in spring 2001 at The Brunswick Centre, near Russell Square in Central London.

Allied London Properties, which owns the centre, is developing a shopping mall in the premises and The Cartoon Art Trust is seeking Lottery funding for its gallery.

The winning cartoons will be exhibited at the Leicester Comedy Festival in February and March before being displayed in a temporary gallery at The Brunswick Centre.

Needs of carers must be remembered, says Carey

By RUTH GLEDHILL, RELIGION CORRESPONDENT

THE Archbishop of Canterbury, Dr George Carey, gave a warning last night that carers who stay at home to look after elderly or infirm relatives could "lose out" under the Government's welfare review.

He called on the Government to show "immense caution and sympathy" to the nearly six million carers in Britain, many of whom had sacrificed careers to care for loved ones.

Unless caring was made an attractive and viable proposition, it would become harder and harder to persuade people to take on such a commitment, he said.

Dr Carey, addressing the Carers' National Association at Lambeth Palace, London, said an increasing challenge

to carers was being posed by the ageing population.

He described how his own wife, Eileen, a former nurse, had cared for her mother while their own family of four children were still young. Mrs Carey bathed and dressed her mother, who would sometimes wander into the dining room in the evening and accuse Dr Carey of stealing money from her.

Dr Carey said: "The impulse to care, to protect, to support the frail and weak, is a fundamental refrain of human civilisation and has been recognised as such down the ages."

But carers often paid a high price. "Their gift to others can be a profound personal deprivation — loss of job and liveli-

hood, independence and esteem, the erosion of a self that has been built and nurtured and expected to flourish."

Dr Carey added: "If we look deeply enough into the act of caring it is not just a lonely act, it is also a rather naked and vulnerable one. He or she may be cut off for long periods from the outside world, but remain all too exposed to the needs and demands of the person being cared for."

But many carers were reluctant to seek outside help, seeing it as an admission of failure or inadequacy. Dr Carey criticised government proposals requiring carers to be interviewed to determine their suitability for work. That would undermine the carer's self-esteem, he argued.

HOLYHEADLINE NEWS.

Holyhead Station has had a £3 million revamp, making it cleaner, lighter and more comfortable for the thousands of travellers connecting to the ferries. www.railtrack.co.uk

RAILTRACK
The heart of the railway

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Paul Wilkinson
Judge spa
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Churches ca
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CHURCHES are calling for
the withdrawal of Christa-
mas window displays that
show the Virgin Mary
with the infant Jesus.
The Church of England and
the Roman Catholic Church
have issued a joint statement
warning that they condemn
any depictions that betray
the sacredness of the great
festival of Christmas. A spokesman
for the Catholic Church
said the display is particu-
larly offensive.
The statement, issued by the
archbishop of Canterbury,
said the display is particu-
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The statement, issued by the
archbishop of Canterbury,
said the display is particu-
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FRIDAY NOVEMBER 26 1998
s a champ

Charlotte's rescue left a lump in PC's throat

Paul Wilkinson on the officers who found three-year-old shivering and scared in a wood

THE moment when three-year-old Charlotte Jones was found safe after a 30-hour search in near-freezing conditions was described by one of her rescuers yesterday as very emotional. "I did not cry, but there was a huge lump in my throat," WPC Janet Critchley said.

"It was the second night she had been missing. It was bitterly cold and the fog was coming down again when we found her. It was just unbelievable. We were not sure if she could survive another night."

Acting on a tip-off on Tuesday night, WPC Critchley and her colleague, DC Mark Toker, had gone to a wood two miles from the girl's home in Warrington, Cheshire, where she was last seen on Monday evening. They found her shivering in the middle of thick undergrowth, dressed in leggings, a jersey and a bubble jacket. It was obvious to them she had been in the same place since soon after she had disappeared.

Michelle Jones, 24, Charlotte's mother, had told police that she left her daughter in the front garden after waving goodbye to a social worker. She said that when she called her in for her tea 15 minutes later, Charlotte had vanished.

WPC Critchley, 29, the mother of a four-year-old boy, Thomas, and a trained child protection officer, said: "We went into the woods. It was very dark. It was the countryside, there were no street lights, there were two powerful torches. After about two or three minutes I heard a distressed cry. We called out her name and went towards the sound, at the end we were running through the undergrowth."

"In the centre surrounded by thorns, nettles and bracken, we found her just sitting in the middle of it all. She was obviously upset. She just wanted to be given love."

"We were elated and very relieved. As a mother I thought she had done very well. It was very cold, we were wrapped up and we were cold, she just had her bubble jacket. Mark Toker wrapped her up in his coat and we carried her out."

"She is obviously very resilient and hardy. I am just glad that she has got through it all without any major injury. She was relieved and very pleased to have been found."

Doctors in Warrington Hospital, where Charlotte remained yesterday, said that, apart from mild hypothermia and some scratches, she was unharmed.

WPC Critchley and DC Toker visited her yesterday morning to give her a cuddly toy, Po from the Tellyubbies. "She seemed quite calm and re-

laxed, but was still very clingy with her family, who are there too," WPC Critchley said. "I was very surprised she had survived being left out all that time. It was obvious she had not moved from where we found her and there were no signs of any food with her, nor any toys."

The wood was close to the farm of Bill Ashcroft, who said the two officers, who had a woman in her 20s in their car, had been searching the area for about an hour. "Then one of them came back to the house shouting, 'Bill, Bill'. He had a little girl in his arms, wrapped in his jacket. She looked just like the missing

girl in the pictures. She looked cold, her eyes were watery as if she had been crying."

He offered the child a Mars bar, but the policeman said she should not eat until doctors had examined her. "The policeman sat with her on his knee while he used the phone. She just sat there cuddled up to him," Mr Ashcroft, 61, said.

Detective Superintendent Kevin Hamilton, who led the search for the girl, which involved 60 officers, as well as frogmen and dog handlers, from four forces, said: "I do not think she would have survived another night. She is just a waif of a girl, there is no weight to her. We must just hope that the experience will become a fading memory. The social services will now have the task of debriefing her to ensure that there is no lasting damage."

"It is miraculous that she has been found safe. As a father myself, I shed a tear of emotion when I heard she had been found all right. I think many hardened police officers on the search did too."

DC Toker, who was with WPC Critchley when they found Charlotte, was shot three times by IRA terrorists who had planted bombs on a gas holder in Warrington in February 1993. Then a beat officer, he stopped their van in the early hours in the town cen-

tre and was fired on when he became suspicious. He later received the Queen's Police Medal for his bravery. Last night he declined to talk about his involvement in the rescue.

Among the searchers was Detective Chief Inspector



Superintendent Kevin Hamilton and WPC Janet Critchley: happy at the outcome

Helen King, who has a three-year-old daughter also called Charlotte. She said: "My daughter was asleep in bed when I left to join the search and she was in bed when I returned home in the early hours when it was all over. I

confess I did look into her room and give her a peck as she slept."

Last night detectives were still interviewing a 24-year-old Warrington woman in connection with Charlotte's disappearance.



DC Mark Toker found Charlotte, who is seen in hospital with her aunt, Yvonne Jones



Judge spared trial asks for his costs back

By TIM JONES

A JUDGE who escaped a second costly fraud trial after psychiatrists said that the ordeal could endanger his life began an unprecedented attempt yesterday to have his legal costs refunded.

Judge Richard Gee, 56, will know today whether he will win back more than £70,000 he contributed towards his defence in a £1 million mortgage fraud trial. The three-month trial, which ended in July when the jury failed to agree a verdict after 13 days of deliberation, is estimated to have cost £3 million.

It is believed to be the first time a defendant has applied for his costs without having first been shown to be innocent. Mrs Justice Heather Steel, who will give her ruling today, said: "This is totally new ground. I don't believe this matter has ever been considered before."

The decision last month by John Morris, QC, the Attorney-General, to halt further proceedings against Judge Gee caused controversy. After studying medical evidence, he

employed a rarely used procedure, a *nolle prosequi*, to end the case. Two people had been jailed in a previous trial connected to the mortgage fraud.

Stephen Batten, QC, for Judge Gee, said he was asking for a return of the contributions he had made towards his defence in the proceedings from February last year until the end of the case.

At the time of the alleged fraud, Judge Gee was acting as a solicitor for the Old Bailey firm of J. B. Wheatley & Co while also sitting as a recorder. He was appointed a full-time judge in 1991.

The prosecution had claimed that while acting as a solicitor in the 1980s, Judge Gee had been involved in a swindle involving mortgages being obtained at low residential interest rates. The properties were then let out for business use at a profit.

But the case against Judge Gee was dropped after Professor John Gunn of the Maudsley Hospital, London, said he presented "the picture of a broken man".

At the Old Bailey yesterday, Mr Batten said his client had done nothing to bring proceedings against himself or mislead police into thinking they had a stronger case than they had. "There should be no difference whether I am making this application on behalf of an acquitted defendant or one who might have been acquitted or not in a second trial but is still presumed innocent."

During his trial, Judge Gee denied two charges of conspiracy to obtain services by deception. Since his arrest in 1995 he has continued to draw his salary of £86,801.



Judge Gee: seeking return of £70,000

Man forged will of friend he found dead

By SIMON DE BRUXELLES

A RETIRED businessman who found his neighbour dead was convicted yesterday of forging his £250,000 will.

Brian Ferreira came up with the scheme to inherit his friend's estate after discovering the body of Richard Vaile, 55, in his flat in a smart suburb of Cardiff.

Ferreira typed out the bogus will bequeathing the engineer's property and investments to himself, cutting out his two sons, and persuaded a friend to sign it.

The court was told that Mr Vaile's last will had divided the £250,000 estate between his sons. David Essex Williams, for the prosecution, told Cardiff Crown Court: "This was a mean attempt to deprive two children of their father's rightful possessions."

Mr Essex Williams said: "Ferreira sent Mr Vaile's widow a photocopy of a new will dated just two months before his body was found. The will was also allegedly witnessed by a friend of Ferreira's, called Ronald Milson." Mrs Vaile contacted John Tudor Evans, her dead husband's former solicitor.

Mr Essex Williams said: "Mr Evans felt that his longstanding client would not have made a new will without telling him. He contacted police."

Defending Ferreira, Keith Thomas told the court that he had a serious heart problem and may not survive a prison sentence. Ferreira, of Llandaff, Cardiff, admitted forgery and perjury. He was given a two-year suspended sentence and ordered to pay £500 costs. Milson, 36, unemployed, of Cardiff, also pleaded guilty to forgery and perjury and was sentenced to 180 hours' community service.

Churches call for ban on offensive ad campaign

By RUTH GLEDHILL, RELIGION CORRESPONDENT

CHURCHES are calling for the withdrawal of Christmas shop window displays that show the slogan "FCUK XMAS".

The Church of England and the Roman Catholic Church have begun a campaign against the advertising for the fashion company French Connection, which they condemn as "a cheap stunt that betrays a callous indifference to the feelings of the great majority of people, for whom Christmas is very special". A spokesman for the Catholic Church said: "For Christians, who are celebrating the birthday of Jesus Christ, the display is particularly repugnant."

Bill Beaver, director of communications for the Church of England, and Kieran Conry,

director of the Catholic Media Office, have written to Stephen Marks, chief executive of French Connection, complaining that the displays are offensive.

French Connection has previously been censured by the Advertising Standards Authority, which upheld complaints against two posters featuring the slogan. The company, which argues that it stands for French Connection UK, withdrew the posters, but has continued to use the slogan on T-shirts, shopping bags and other items.

The authority is not planning any action over the shop windows because they fall outside its remit and are covered instead by trading standards regulations. However, these

do not include matters of taste and decency.

John Mappin, who owns the London Local Independent Newspaper Group, is planning to use his newspapers to call for a boycott of French Connection. He said: "More than 11,000 children will go to Oxford Street to see the Christmas lights, and what will they see in the shop window but this. It insults families and destroys the magic of Christmas. I am a churchgoer, but my religion is not important. The religious beliefs of others, whatever they are, should always be respected."

A spokeswoman for French Connection said: "It is not meant to be offensive. It is meant to make people do a double-take and smile."

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Cosy comedies are kicked off the sofa

BBC says that shows must have more bite, reports Carol Midgley

THE BBC has ordered the death of the cosy domestic sitcom. No more will net curtains twitch or sofas be chased around as it goes in search of new comedy with "more bite and less whimsy".

Middle-class comedies in the mould of the 1970s classic *Terry and June* will now be consigned to the dustbin of television history. The BBC wants to regenerate the genre, encouraging new writers and producing comedies that owe more to *Coronation Street* and *The Simpsons* than to Ealing Comedies and *Carry On* films. One early casualty is *Nest of Kln*, a drawing-room saga starring Penelope Keith about a couple who inherit custody of their grandchildren.

The BBC admits that, in recent years, its record for producing hit comedies on the scale of *Only Fools and Horses* and *Dad's Army* has been unsatisfactory. The BBC governors, in their annual report, pointed to the disappointing rate of new comedy successes. Funding for comedy output this year has risen by £10 million to £30 million, including 30 hours of new sitcoms which will be screened next year.

The announcement was made as it emerged that Michael Leggo, the BBC's Head of Entertainment for the past five years, is leaving to become a producer and director. He is being replaced by David Young, an outside appointment from the independent production company Bazal.

Peter Salmon, Controller of BBC1, said: "I am the net-curtain comedy killer, the man who took out a contract on suburban sofas, knitted pullovers and will do for some of the dreary 1950s scenarios that have infected too many comedies. The digital age of overwhelming choice is upon us — it's time for comedy to find new agendas, new sensibilities, new stars."

"We've gone through quite a

difficult period. Many classic shows have probably come to a natural end — *Only Fools and Horses* and *Keeping Up Appearances*. Others are at the top of their game but on the home straight — *One Foot in the Grave*, *Men Behaving Badly*, *Birds of a Feather*, *Goodnight Sweetheart*."

New shows next year include Caroline Aherne starring in *Mrs Merton* and *Malcolm*, a sitcom based on the recent British Gas commercial in which she appears as an overprotective mother with a grown-up son. Lawrence Marks and Maurice Gran, the writers of *Birds of a Feather*, are providing two new sitcoms, *Cry Wolf*, set in a GP's surgery, and *Starting Out* about a young family.

Victoria Wood will have a second series of *dinnerladies*. A new sitcom from BBC Scotland, *All Along the Watchtower*, is billed as a modern *Dad's Army* and is set in a military base whose occupants do not realise the Cold War is over.

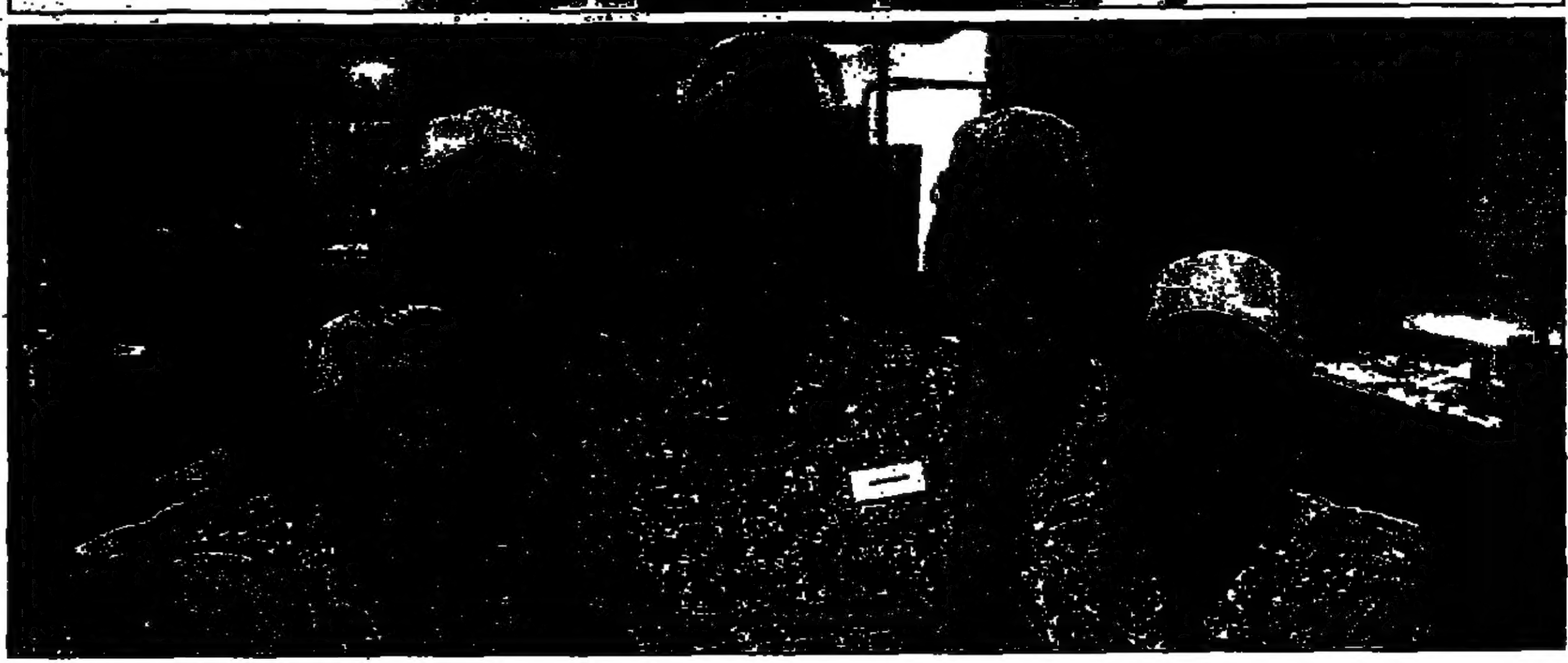
The new comedies commissioned by BBC1 would have "more bite than whimsy, less deference and more attitude", said Mr Salmon. "I think that, next year, BBC1 is going to have a lot less in the wastebin of memory and much more laughter to remember."

The comedy writer Barry Took said last night that the BBC risked "throwing the baby out with the bath water" by dispensing with the suburban sitcom. It was right that comedy should move on but the BBC should be mindful of what the viewer wanted.

"I am all for change, but they must remember some people do like comfortable, undemanding comedy," he said. "People have a right to that kind of entertainment if they want it — they pay the licence fee. The BBC might be criticising the 1950s-type stuff, but they are relying heavily on old classics in the schedule."



At the top of its form: *One Foot in the Grave*



The old and the new: the casts of *Birds of a Feather*, above, and the new Victoria Wood sitcom, *dinnerladies*



On the way out: *Keeping Up Appearances*

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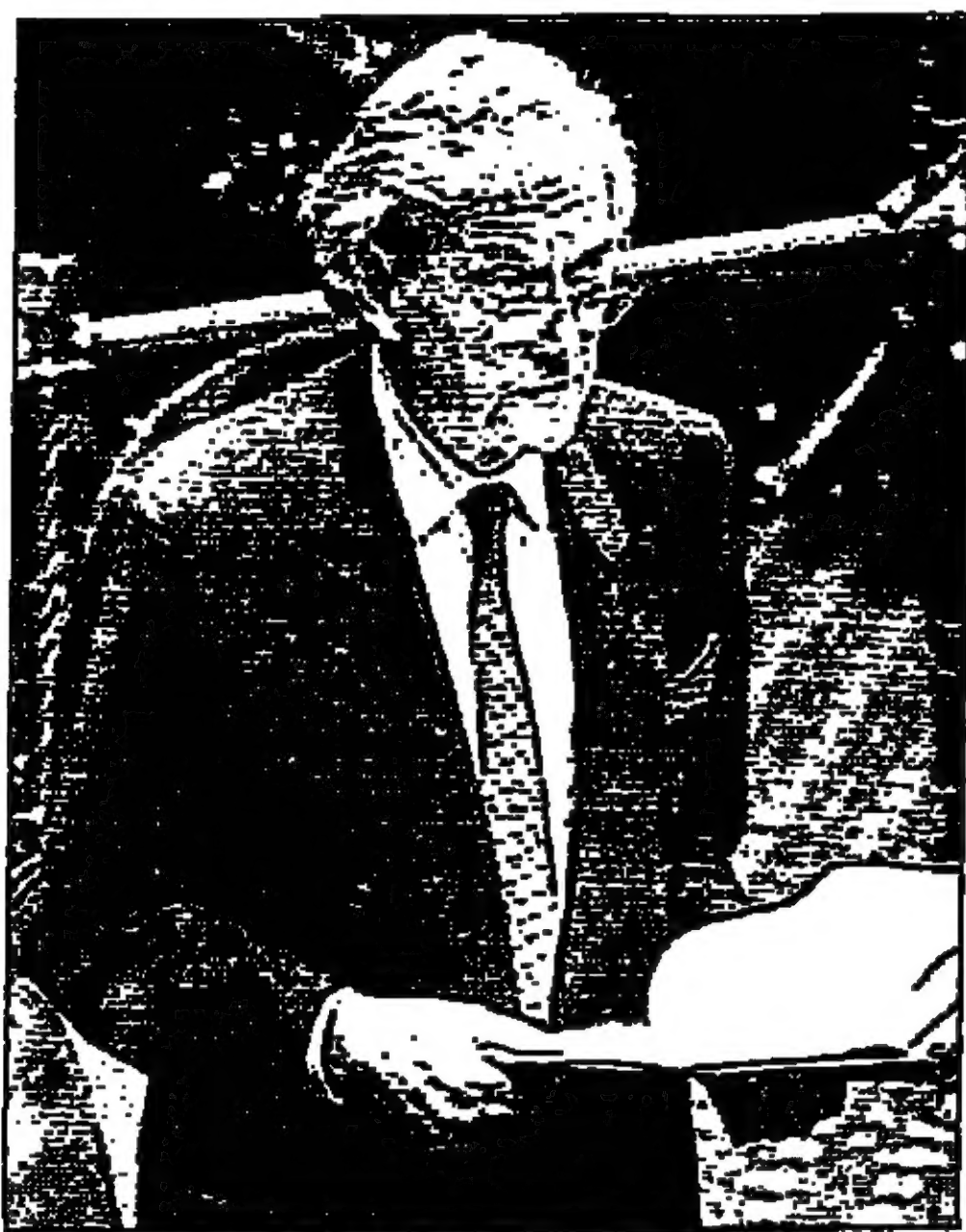
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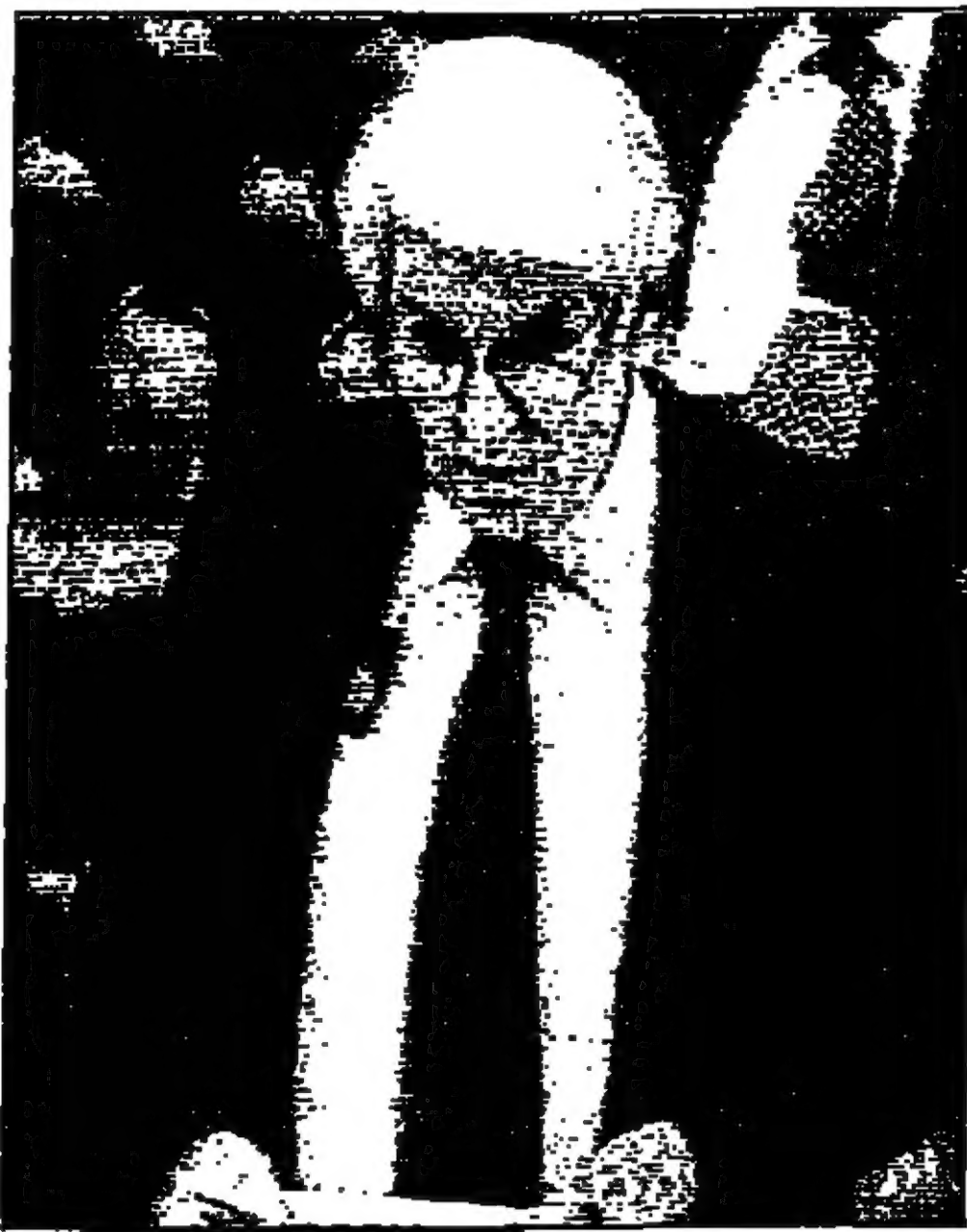
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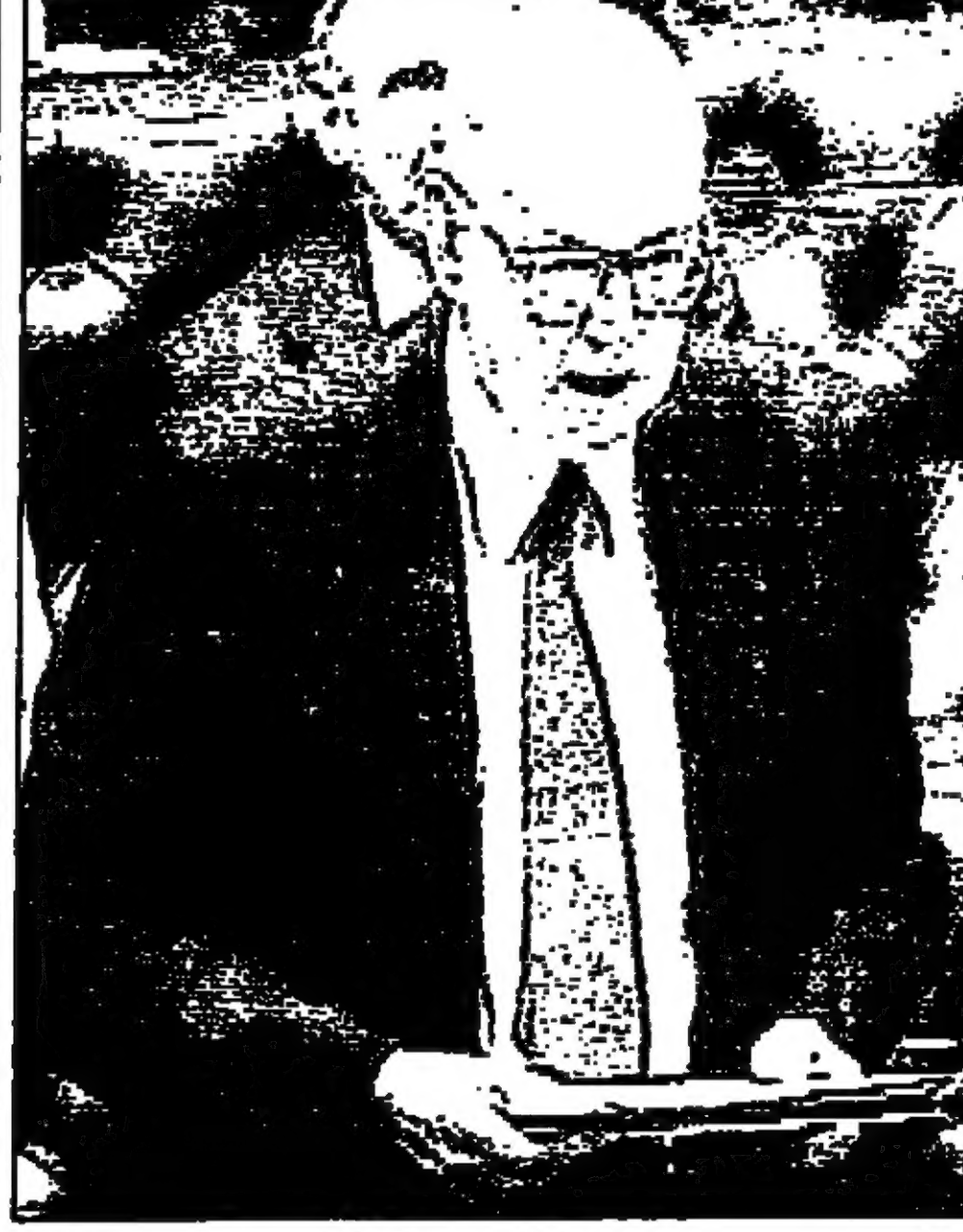
AGAINST: Lord Slynn of Hadley



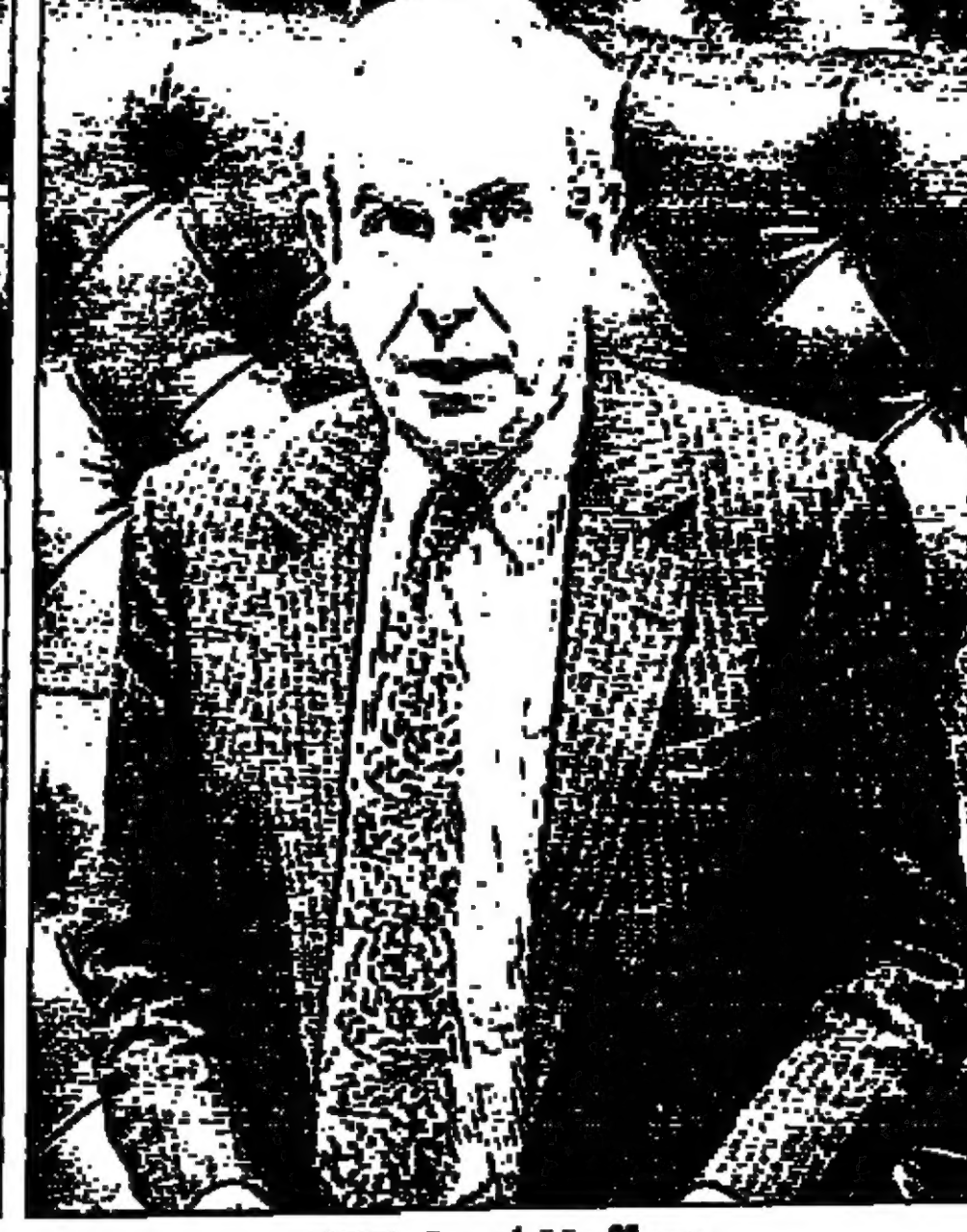
AGAINST: Lord Lloyd of Berwick



FOR: Lord Nicholls of Birkenhead



FOR: Lord Steyn



FOR: Lord Hoffman

BY JOANNA BAILE

THE law lords were divided 3-2 as they delivered their dramatic individual judgments on the Pinochet case in the House of Lords yesterday.

The hearing's chairman, Lord Slynn of Hadley, rejected Spain's appeal against the High Court decision that General Pinochet enjoyed immunity from prosecution as a former head of state. He said that Augusto Pinochet was entitled to sovereign immunity because international law, such as the Torture Convention of 1984 and the Taking of Hostages

Convention of 1983, did not "contain any provisions which can be said to take away the customary international law immunity as head of state or former head of state". Lord Lloyd of Berwick, who also rejected the appeal, argued that almost all revolutionary leaders were guilty of serious crimes, such as murder, and that it was impossible to

give state immunity to some but not to others. He said: "It would be unjustifiable in theory, and unworkable in practice, to impose any restriction on head of state immunity by reference to the number or gravity of the alleged crimes. Otherwise one would get to this position: that the crimes of a head of state in the execution of his governmental authority

are to be attributed to the state so long as they are not too serious. But beyond a certain (undefined) degree of seriousness, the crimes cease to be attributable to the state, and are instead to be treated as his private crimes. That would not make sense." Lord Nicholls of Birkenhead, who upheld Spain's appeal, dismissed arguments by General Pinochet's defence

that it would affect diplomatic relations between Chile and Britain. He said: "It cannot be stated too plainly that the acts of torture and hostage-taking with which Senator Pinochet is charged are offences under UK statute law. This country has taken extra-territorial jurisdiction for these crimes. The sole question before your lordships is whether, by

reasons of his status as a former head of state, Senator Pinochet is immune from the criminal processes of this country, of which extradition forms a part. Arguments about the effect on this country's diplomatic relations with Chile if extradition were allowed, or with Spain if refused, are not matters for the court. These are, par excellence, political mat-

ters for consideration by the Secretary of State in the exercise of his discretion under section 12 of the Extradition Act." Lord Steyn, who upheld the appeal, said: "The development of international law since the Second World War justifies the conclusion that by the time of the 1973 coup d'état and since, international law condemned genocide, torture,

hostage-taking and crimes against humanity (during an armed conflict or in peace time) as international crimes deserving of punishment.

"Given this, it seems to me difficult to maintain that the commission of such high crimes may amount to acts performed in the exercise of the functions of a head of state."

Lord Hoffman simply said: "I have had the advantage of reading in draft the speeches of my noble and learned friends Lord Nicholls and Lord Steyn, and for the reasons they give I too would allow this appeal."

How the law lords divided

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Five were chosen on seniority and availability

BY FRANCES GIBBS
LEGAL CORRESPONDENT

THE JUDGES

THE ruling on General Pinochet was made by some of the most senior of the 12 law lords who make up the highest court in the land.

The five would have been picked for the case by the senior law lord, Lord Browne-Wilkinson, in conjunction with the listing clerk in the House of Lords. Legal experts said yesterday that the overriding considerations would have been seniority and availability. One said: "You could not try to second-guess people's politics. Even if you know them, the law lords don't always work predictably — a Conservative may be a judicial activist and vice versa."

Lord Steyn is well known as one of the most liberal of the 12 law lords, along with Lord Hoffmann, while Lord Lloyd of Berwick is on the conservative wing. But lawyers were unwilling to place bets on how Lord Slynn of Hadley and Lord Nicholls of Birkenhead would decide.

Lord Steyn and Lord Hoffmann share a background in South Africa and strong views about apartheid, state authority and individual rights.

Lord Steyn was educated in South Africa and at Oxford.

He reached the House of Lords just ten years after becoming a judge. His background is in commercial law.

Lord Hoffmann is regarded as the cleverest of the law lords. He was recently described in *Legal Business* magazine as the "most dominant personality in the Lords by a mile". Like Lord Steyn, he was a Rhodes Scholar.

Lord Nicholls, the other law lord who allowed the appeal, has a Chancery Bar background. One lawyer described him as "having a strong streak of individualism which can lead to anti-state rulings". He ruled against Michael Howard, the former Tory Home Secretary, over the setting up of a statutory Criminal Injuries Compensation Board to replace the more generous tariff-based system.

Lord Lloyd of Berwick, at 69, is the oldest law lord and will retire at Christmas. Regarded as a conservative, his ruling was not a surprise.

Siding with him was Lord Slynn of Hadley, who spent 11 years as Advocate-General at the European Court of Justice. He surprised some lawyers, who had expected him to follow the liberal line.

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Troops called out as divided Chileans clash

The Lords' decision has given courage to relatives of those who disappeared, Gabriella Gamini reports

MOUNTED riot police had to be deployed across Santiago yesterday to separate jubilant anti-Pinochet crowds from incensed supporters of the former Chilean dictator who spilled onto the streets burning British flags.

Heavily armed troops used armoured vehicles and tanks to build a barricade to prevent clashes. More violence was expected last night as rival camps converged on the central square outside La Moneda presidential palace in the capital. The troops were deployed minutes after the Lords ruling in London that General Pinochet had no immunity and can be extradited to Spain to face charges of genocide.

President Frei's Social Democrat Government said it would send a commission of parliamentarians today to lobby the British Government to intervene on "humanitarian grounds". A spokesman said: "We will continue to pressure Mr Blair's Government to release General Pinochet for the sake of Chilean stability and our right to judge our own crimes."

But as the news sank in, it appeared increasingly undeniable that the verdict will

present the biggest test faced yet by Chile's fledgling, eight-year-old democracy. The remote chance that General Pinochet would be held accountable for crimes committed during his rule delighted his opponents but left his supporters dismayed and the country deeply divided.

As relatives of some of the 3,500 victims of torture during the general's rule watched the proceedings from London on a

screen set up in a square near the palace, the reaction to the news was one of incredulity. "It's unbelievable and so unexpected," cried a woman as she hugged fellow relatives of the disappeared. She was among more than 200 women who had assembled at the venue.

"We thought we would never see justice and now there is a very real chance that finally crimes committed will face judgment," said Viviana Diaz, the vice-president of the Association of the Victims and Relatives of the Disappeared, Chile's largest human rights organisation. "We had been expecting him to be sent back to Chile, this is unbelievable and a move which will revert our country's history."

Dancing among the crowds in the central Plaza O'Higgins, Señora Diaz said: "It is nothing but right that he should be submitted to a due judicial process where a judge and jury can decide whether he is guilty of the crimes he is accused of committing."

She added: "We have for so many years been scared to speak up about our dark past for fear of reprisals from the right-wing military in Chile. The ruling by the Lords has given the human rights campaign international approval."

It seems that many of Pinochet's victims had kept their own counsel for fear of upsetting the establishment that backs the former dictator. When General Pinochet was arrested at a London clinic on October 28, the reaction in Chile seemed strongly behind the aged former dictator.

Now, that view seems to have changed. While the Communist Party of Chile and human rights groups had long been the only voices of opposition, it is likely a majority of average Chileans will now support their call. This section of society has for the first time come out to celebrate. For the first time, too, political leaders are publicly endorsing General Pinochet's extradition.

The left-wing Chilean MP, Juan Pablo Letelier, said: "We will now demand the truth to come out. Time has come for the right and centre parties to realise that Chilean history cannot be buried and that we cannot avoid investigating human rights crimes of the past."



Supporters of General Pinochet in Santiago, the Chilean capital, react with dismay on hearing yesterday's ruling from the House of Lords

Watershed ruling for human rights

Leaders with blood on their hands now have no place to hide, writes Michael Binyon, Diplomatic Editor

The Lords ruling will have an immediate and widespread influence on international law, marking a watershed in attempts to bring to justice those accused of human rights violations.

From now on, there will be no hiding place for dictators: any leader with blood on his hands will think twice before travelling to Britain and much of Western Europe.

Those accused of the worst crimes — Haile Mengistu of Ethiopia or Idi Amin of Uganda — generally stay hidden in exile. But yesterday's ruling could open the way to extradition requests for other prominent visitors to London, including former Presidents De Klerk and Botha of South Africa, former military rulers in Latin America and most deposed African leaders, including such figures as Valentine Strasser, the former military ruler of Sierra Leone, who became a student at Warwick University.

Human rights lobbyists were jubilant yesterday in

forecasting a galvanising of the political will to prosecute torturers and those responsible for human rights violations. "It will open a floodgate of similar cases," said Dr Paolo Wrobel, of the Royal Institute of International Affairs. Amnesty International declared: "It is a ground-breaking acknowledgment of the principle of universal jurisdiction for crimes against humanity, and of the international obligation to co-operate in the investigation and trial of those accused of such crimes."

The London-based organisation said that the ruling, made two weeks before the 50th anniversary of the Universal Declaration of Human Rights, reaffirmed the international community's commitment towards the fulfilment of basic human rights for all. The ruling is also likely to

accelerate moves towards establishing a permanent International Criminal Court.

At first glance it would seem to weaken the case for such a tribunal, as it gives individual states the right to override national sovereignty in dealing with crimes against humanity.

But Amnesty and other human rights activists said that the Lords ruling was partly a result of the greater world concern arising from the war crimes tribunals for former Yugoslavia and Rwanda. Once the court was established, cases would be referred there rather than being taken on by individual nations, they said.

Britain will come under strong attack from Chile and other countries which fear intrusion of outside legislations

into their internal affairs. China will see the ruling with particular worry, fearing that it could give dissidents in exile a powerful lever to attack those who oppressed them.

Burma and many other regimes in Asia will also see the ruling as a dangerous threat to authoritarian governments.

The Lords ruling now effectively abolishes the barrier of national sovereignty as a protection for torturers and dictators. This could lead, however, to considerable argument over the definition of rights, the degree to which one country can judge another's political and legal systems and the mechanism for redress.

Human rights lobbyists yesterday admitted that little could be done against tyrannical rulers unless a body of evidence had already been accumulated on their crimes — whether in the country of origin or abroad. This could take years to establish. They also forecast the urgent need for a new look at the 1961 Vienna Convention and other international protocols that set out

the definition of diplomatic and state immunity. The fact that two of the highest courts in Britain had disagreed on the limits of state sovereignty would prompt immediate debate in Britain and probably elsewhere.

One fear voiced by those who opposed the extradition of General Augusto Pinochet is that the precedent could be used against Britain.

Some Chileans have warned of the danger to Baroness Thatcher if she visited a Latin American country — that she could be arrested to face extradition to Argentina on charges over the sinking of the *Belgrano* battleship during the Falklands conflict, when she was Prime Minister. Non-governmental organisations, however, said that the ruling would tighten the net on all those who escaped justice in their own countries.

It also encouraged countries to use the legislation already on the statute books to champion human rights.



An injured journalist is led away by police after he was attacked by Pinochet supporters in Santiago

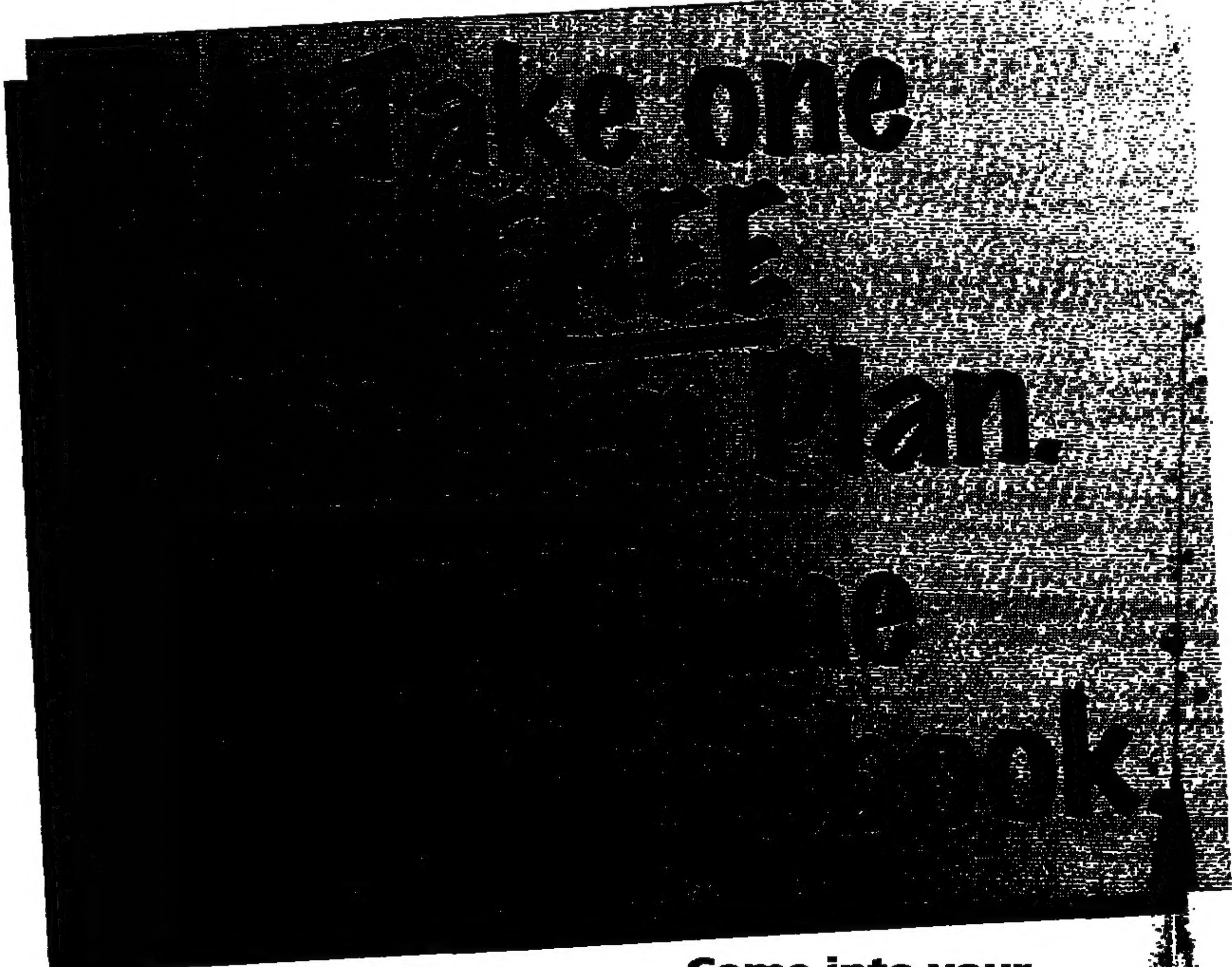


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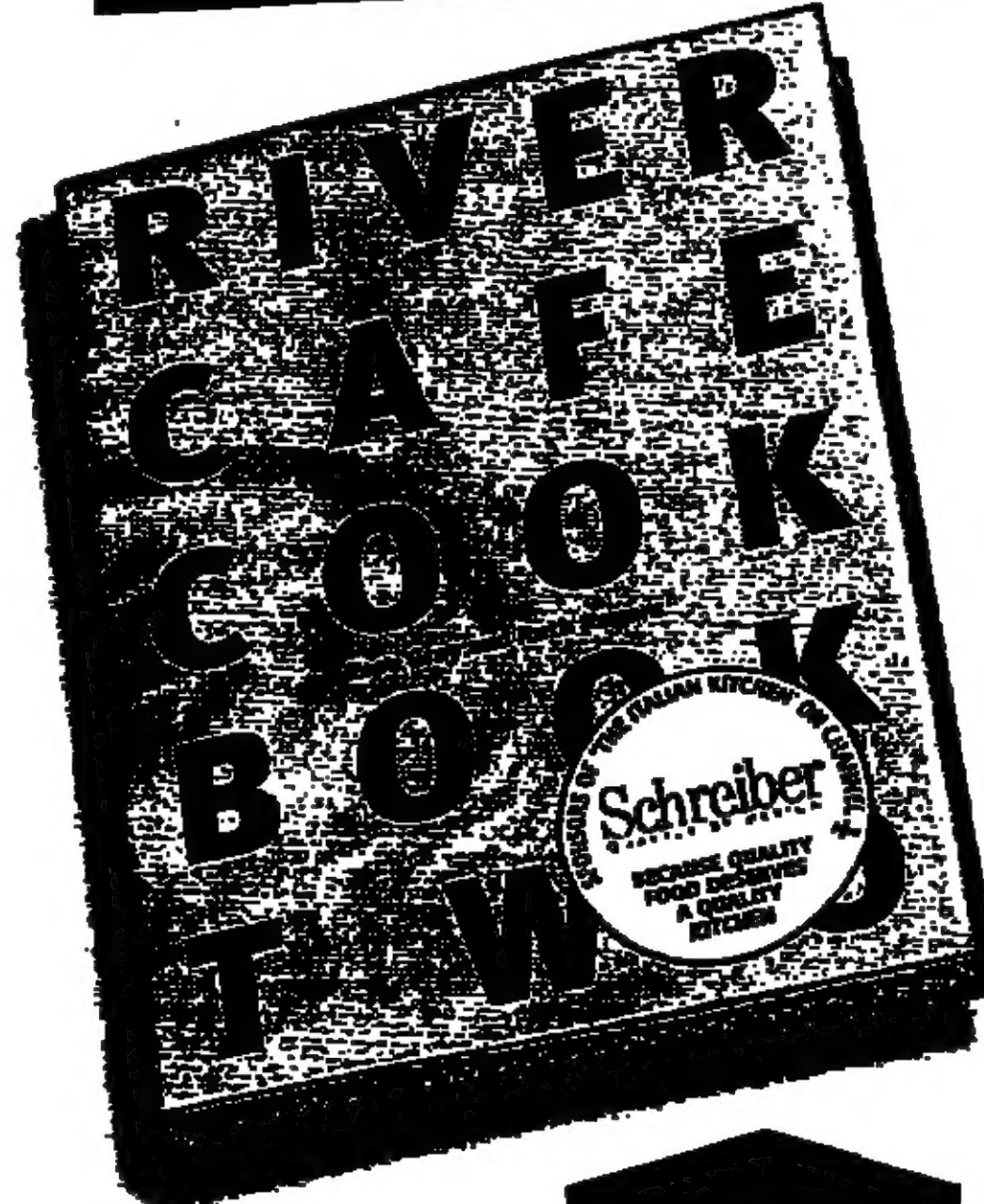
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IN THE SATURDAY TIMES

GERI HALLIWELL
The hell of being a redheadVINNIE JONES
The nation's favourite thug

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So much cash we don't know what to do

BRITONS just can't spend money fast enough, the latest government figures show.

A dramatic rise in spending power has been matched by a difficulty in deciding exactly what to spend spare cash on. The rise in disposable income has even led to tea being supplanted in the nation's affections by coffee, cappuccino and other forms of coffee.

The first official analysis of changes in household spending since the 1960s shows that the average British family has become more cosmopolitan and health-conscious and increasingly partial to wine and spirits at the expense of beer and cider.

Martin Hayward, director of the consumer consultancy at the Henley Centre, said the findings clearly indicated that Britons were finding it increasingly difficult to spend as quickly as they earned. "Even in the poorest households, we estimate that 40 per cent of income is available for discretionary spending. The days of

Official figures show Britons can't spend their money quickly enough, writes Alexandra Freen

the family budget, when you put £10 in the teapot for this and £5 in a jam jar for that, are gone. Budgets used to spend themselves. Now we have to go through the angst of deciding what to spend our money on. It is the double-edged sword of affluence."

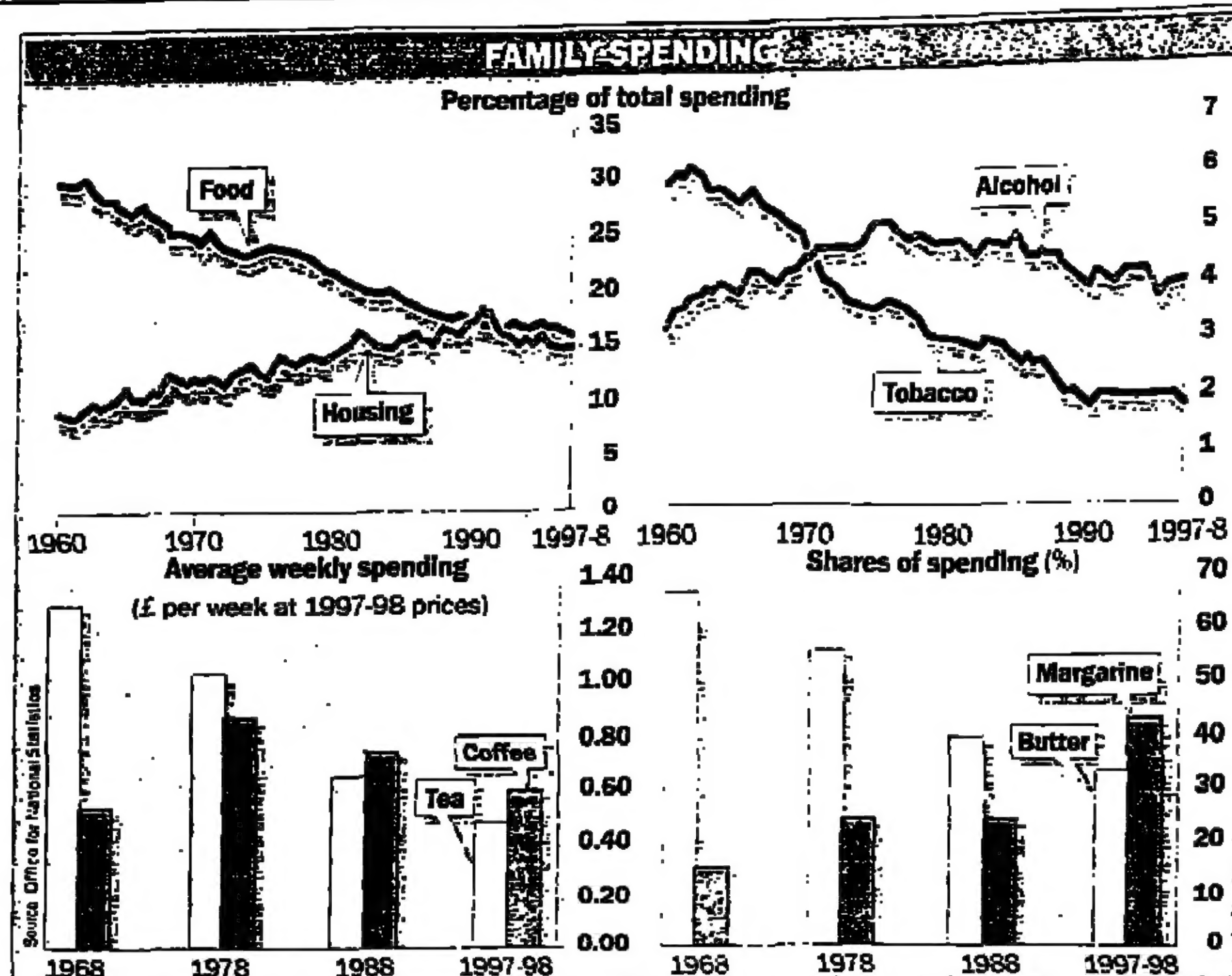
But the survey highlights wide variations in the pattern of spending between the richest and poorest over the past three decades. Total spending in the richest fifth of households rose by about 60 per cent between 1968 and 1997-98, but by only 13 per cent in the poorest

fifth. Spending on clothing and footwear showed an increase for the richest group of 16 per cent, but a small decrease was recorded for the poorest group.

Since the beginning of the 1960s the average gross weekly income has multiplied more than 23 times from £18 to £420.80 in 1997-98. Over the same period, average weekly household expenditure rose by just under 20 times from £16.50 to £328.80.

The effects of this are most clearly illustrated in changes in spending on food and non-alcoholic drinks. This remains the largest item of expenditure, but the proportion of family income spent on it has fallen from about 31 per cent in 1960 to 17 per cent in 1997-98.

A comparison of spending on individual items reveals the dramatic increase in the popularity of low-fat spreads. Thirty years ago butter accounted for around two thirds of all spending on fat, but this had fallen to only one third by 1997-98, reflecting the rise in popularity of low-fat spreads. Spending on tobacco has



fallen sharply from 6 per cent of expenditure in 1960 to 2 per cent in 1990, although most of the drop has occurred among the richest fifth of the population. Spending on wine and spirits has risen by three quarters since 1968; beer and cider rose by only a quarter.

Spending on housing has grown from 9 per cent of total expenditure in 1960 to 16 per cent in 1997-98, indicating the rise in home ownership. The arrival of the National Lottery in 1995 is also reflected in the findings. In 1994-95 households spent on average 90p a week on lotteries (at

1997-98 prices). This has now risen to £2.30. Spending on football pools has fallen from 60p per household per week in 1964-65 to 20p today. Spending on bingo and at the bookmaker has remained stable.

More than 6,400 households took part in the survey in 1997-98. Everyone in the household aged at least 16 kept a diary for a fortnight recording everything they spent. They also gave an interview that covered regular payments, large purchases and their income.

Family Spending 1997/98 (The Stationery Office: £39.50)

Hackney ordered to end race bias

BY ALEXANDRA FREAN

A COUNCIL was yesterday given three weeks to end discrimination against black and Asian employees or face legal action from the Commission for Racial Equality.

An investigation by the commission uncovered widespread discrimination against ethnic minority staff of Hackney council in East London. They make up 37 per cent of all employees at the authority.

Sir Herman Ouseley, chairman of the commission, said: "It is deplorable that, over two decades after the Race Relations Act first went on to the statute book, a council that was one of the first to provide significant employment opportunities for ethnic minority staff should be failing its employees and the public so comprehensively."

The council now has three weeks to draw up an action plan to tackle racial discrimination. If it fails, the commission may commence legal proceedings.

How empty car parks could house 350,000

BY NICK NUTTALL, ENVIRONMENT CORRESPONDENT

BUILDING on car parks could play a key role conserving the countryside by steering more new housing into inner cities. A study by independent consultants has found that redeveloping half of England's car parks could house up to 350,000 people.

The report, commissioned from Tellus 42 by Friends of the Earth, claims that too much land is tied up in public and non-residential private parking. In some towns, such as King's Lynn, Norfolk, nearly a fifth of the town centre is parking space.

The report, based on a survey of 140 local authorities, has found that almost one in four car parks are rarely full or half full even during weekend and weekday daylight hours. It argues that councils and the Government could boost their revenues by allowing redevelopment. The average rental income from a car-park space is £330 a year. This is less than a fifth of the rent a council could collect from affordable housing.

The total revenue to the Treasury from car parks is estimated to be £100million a year. "We think that if half of all surface car parks were developed for a range of commercial and residential uses, then the annual rates revenue could be as high as £1billion per annum," says the study by David Williams, an independent planning adviser on town centre management, transport and economic development.

The Government estimates that 4.4 million new homes are needed by 2016 to meet the needs of an ageing population, divorce, the number of young people living alone and immigration, mainly from the Continent. The figures may rise to more than 5 million. It has set a target of building 60 per cent of new dwellings by 2008 on land that is derelict, abandoned or previously developed.

Campaigners and some property experts believe that more could be built in cities with a mixture of imaginative policies, leases or tax breaks. These include converting more offices into flats and more space above shops into homes, and making use of redundant hospitals, factories and schools.

The study found there are nearly 6,300 surface car parks — as opposed to underground or multi-storey — with 738,000 spaces. This equates to 1,845 hectares of land, equalling the area of Hammersmith and Fulham or Tower Hamlets.

With non-residential private parking such as for offices, the total area of car parks in England is 4,600 hectares of urban land. The report suggests that 2,640 hectares could be practically released for development into housing by 2016 without damaging local economies, and helping to favour buses, cycles and walking.

Lawrence report tip-off for police

BY STEWART TENDLER, CRIME CORRESPONDENT

POLICE are to be given advance warning of criticisms in the report by the Stephen Lawrence inquiry and the chance to persuade the inquiry team that they are wrong.

Details of the move were sent yesterday by Sir William Macpherson, the inquiry chairman, to all witnesses including the Lawrence family and the five men suspected of killing his son in a race attack.

The decision follows warnings that the Police Federation, which represents junior officers, and other police groups were considering a legal challenge if advance warning of criticisms were not promised.

In a statement, Sir William said witnesses would not be able to see the finished report or extracts before it is presented in the House of Commons. But they will be given the gist of planned criticisms and will be able to respond in writing. Sir William said letters were sent to all witnesses before the inquiry outlining the issues they would be questioned about. The witnesses, including Sir Paul Condon, Metropolitan Police Commissioner, were also told of the questions that might be raised, for example, on behalf of the Lawrence family. All police officers were represented by solicitors and counsel throughout the in-

quiry. Sir William has now accepted the Police Federation's argument that, in the interests of fairness, serving and former police officers should "not find criticism unheeded".

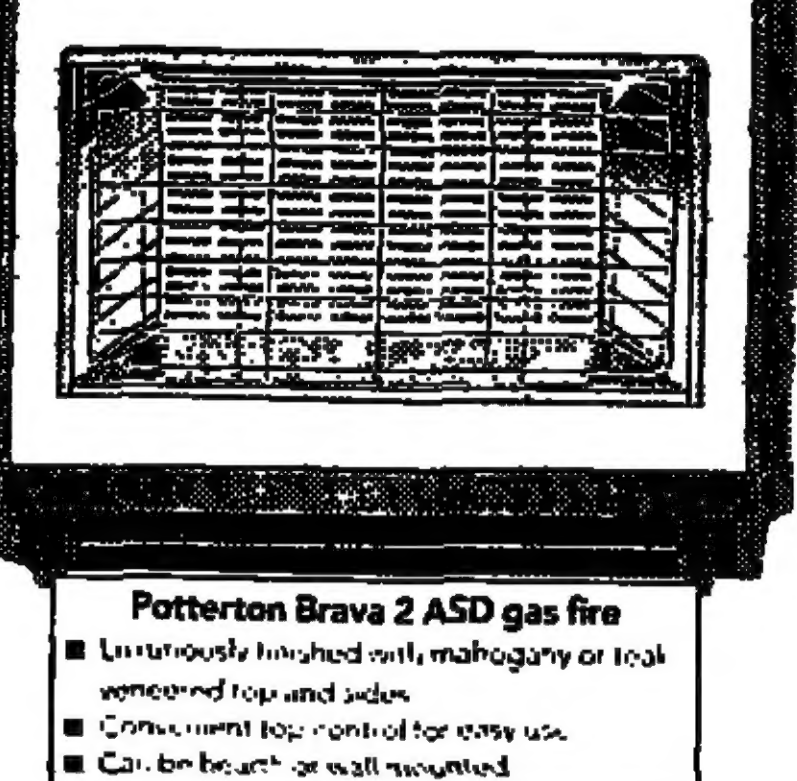
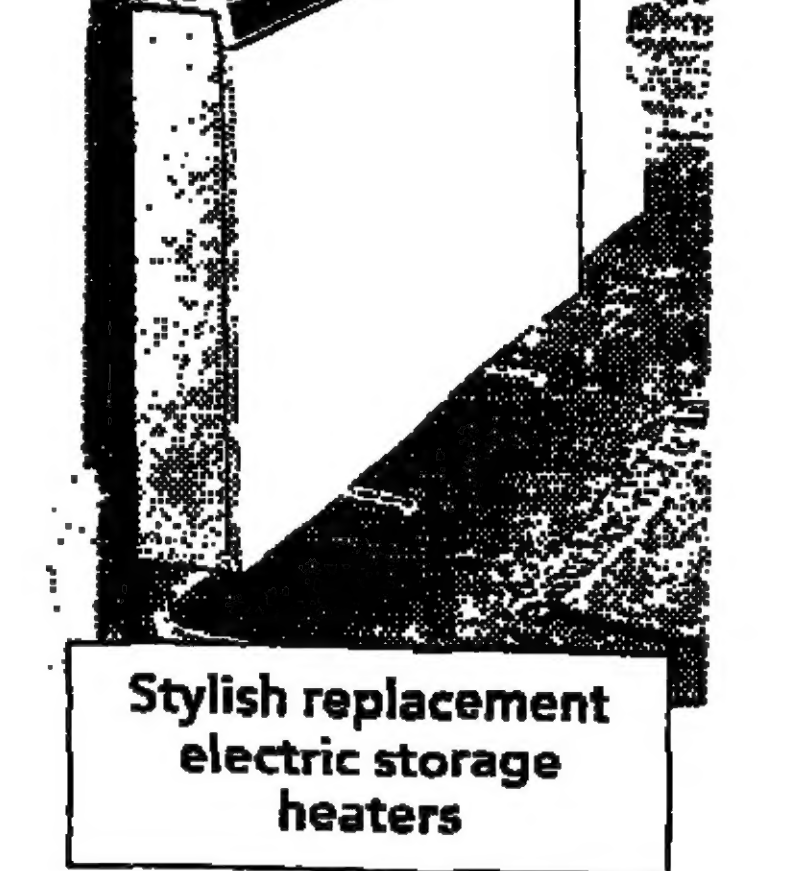
The report is not expected to be ready until February and officials do not believe that issuing the letters and examining responses will cause a delay.

The report will be in two sections. Part one will examine how police investigated the murder of the black student in southeast London, and this is the section that will contain criticisms. Section two will cover how policing in such cases could be improved.

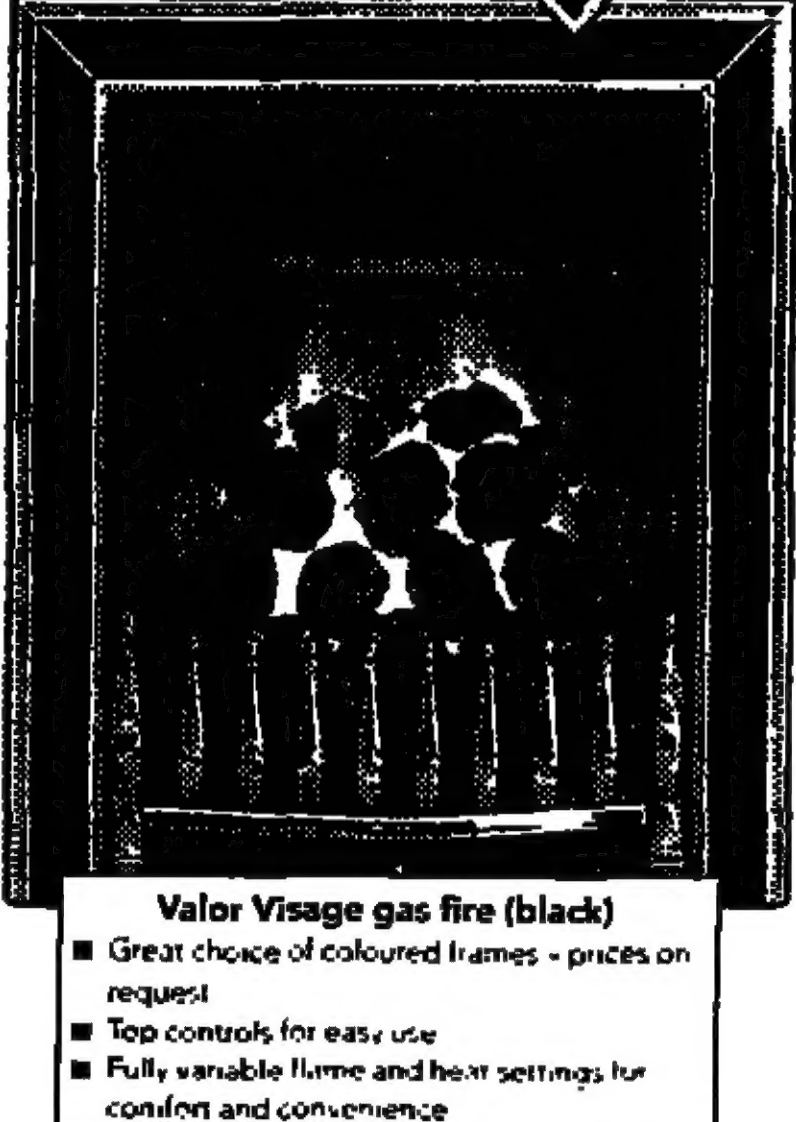


Macpherson: will give police gist of criticisms

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مكذوب من الأصل

Hackney ordered to end race bias

BY ALAN HARRISON
A COUNCIL was told to end three weeks of racial discrimination against black and Asian employees by the Commission for Racial Equality.
The Commission for Racial Equality (CRE) has ordered Hackney Council to end a policy of racial discrimination against black and Asian employees.
The council was found guilty of discrimination against black and Asian employees in a report published yesterday.
The report found that the council had a policy of racial discrimination against black and Asian employees.
The council was ordered to end this policy and to take steps to ensure that all employees are treated equally.

Low empty car parks could house 350,000

Ombudsman in threat to name shameless GPs

Doctors must learn to say sorry, reports Mark Henderson

FAMILY doctors who shrug off criticism by health service watchdogs and refuse to apologise for mistakes may be "named and shamed" in official reports, it emerged yesterday.
Michael Buckley, the NHS Ombudsman, said that he would publish the names of GPs who refused to accept his findings and say sorry when complaints were upheld.
His aim is to fight "negative and defensive" attitudes that let patients down. The "heavy sanction" would be adopted for repeat offences and "flagrant examples of malpractice", Mr Buckley said.

He was speaking at the launch of his latest report, which included strong criticism of two GPs who unfairly removed patients from their lists and refused to accept that they had acted wrongly or to apologise.
A Yorkshire GP refused to treat an elderly couple because he had had a disagreement with their daughter, and a GP in Ayrshire unfairly removed a man who had questioned his diagnosis and advice.
"I am disappointed that a few GPs are taking such a negative attitude," Mr Buckley said. "I don't regard it as satisfactory at the end of a long and thorough investigation that the GP can just shrug and walk away from my findings without saying sorry."

The plan is the latest in a string of moves to increase transparency and accountability in the National Health Service. The Commission for Health Improvement, which is to be established by the Health Bill announced in the Queen's Speech on Tuesday, will have the power publicly to name failing doctors who pose a threat to patient safety.
The ombudsman's report published yesterday is the first to include investigations of clinical practice in hospitals, after the introduction of new powers in 1996.
Mr Buckley upheld several serious complaints, including one against Central Nottinghamshire NHS Trust for not placing the body of a woman who died at Mansfield Community Hospital in a refrigerated mortuary.
Members of the woman's family were unable to view the body because it had deteriorated by the time they arrived at the hospital. The trust apologised.

Suspended doctor takes case to UN

BY SIMON DE BRUXELLES

THE case of a doctor suspended from work for more than four years has been referred to the United Nations as an abuse of human rights.
Bernard Charnley, a consultant pathologist from South Wales, was suspended on full pay after the screening unit he ran allegedly failed to spot potentially cancerous cervical smears. Since then the 43-year-old father of three has been paid £60,000 a year to sit at home doing nothing.
The British Medical Association yesterday described his situation as "mental torture". A panel chaired by a barrister examined the case against him in September last year but has yet to produce its findings. Now Peter Tomlin, secretary

of the Society of Clinical Psychiatrists, has asked the UN Commission for Human Rights to look into the case.
Dr Tomlin, who is investigating the costs of doctors' suspensions to the health service, which he estimates to be in excess of £10 million a year, said: "What has happened to [Dr Charnley] is appalling. It is unfair, a waste of money and downright cruel. I have referred his case to the United Nations on the ground that he is being denied his basic human right to work."
"They have accepted the case, against the Government, and have agreed to hear it," Dr Charnley used to work at the Prince Charles Hospital in Merthyr Tydfil.

A complaint against Warrington Hospital NHS Trust was also upheld. A man who later died from Legionnaire's disease was left for two hours after he pulled a drip from his arm, and had to wait six hours to see an anaesthetist before a transfer to intensive care when his condition deteriorated.
Staff then dealt insensitively with his family at a meeting, in which they addressed relatives by incorrect names, the ombudsman said.



Above, the two tiger cubs born at Glasgow Zoo; below, Butu, the proud father, who, contrary to the norm, is taking parenting in his stride



Tiger overturns myth of the wayward father

BY NICK NUTTALL, ENVIRONMENT CORRESPONDENT

A PAIR of tiger cubs have been born at Glasgow Zoo with their father, Butu, on hand with a nuzzle and a welcoming lick, overturning the popular view that male tigers are a danger to their newborn cubs and are likely to kill or maim them.
Until recently it had been traditional to separate the male from the female in the run up to birth and for 12 weeks after.
Zoologists had observed male tigers slaughtering cubs in the wild and believed a similar fate would await captive-bred cubs if the father was around.
Richard O'Grady, a director of Glasgow Zoo, said yesterday: "It was something that was blindly accepted. You could have asked Sir David Attenborough and he would have said the same."

But new findings from the wild in India and from births at zoos world-wide indicate that the threat of having the father there has been significantly overplayed.
In Glasgow, worried zookeepers kept a keen eye on the mother, Ayesha, and Butu amid concern that he and the offspring were in close contact. But their fears proved unfounded.
Staff even witnessed the father licking blood off one of the new-borns and the family, who can be seen by the

public, appears inseparable. Peter Jackson, a big cat expert with the International Union for the Conservation of Nature in Gland, Switzerland, said yesterday that males did kill cubs in the wild, but these tended to be the offspring of rival males.
Doug Richardson of London Zoo, said that Howlett's Zoo near Canterbury, where he worked formerly, also kept tiger families together. "We had the male present in the same space," he said.
Mr Jackson believes improvements in the quality and size of enclosures in zoos may have contributed to making the father and mother tigers less stressed.

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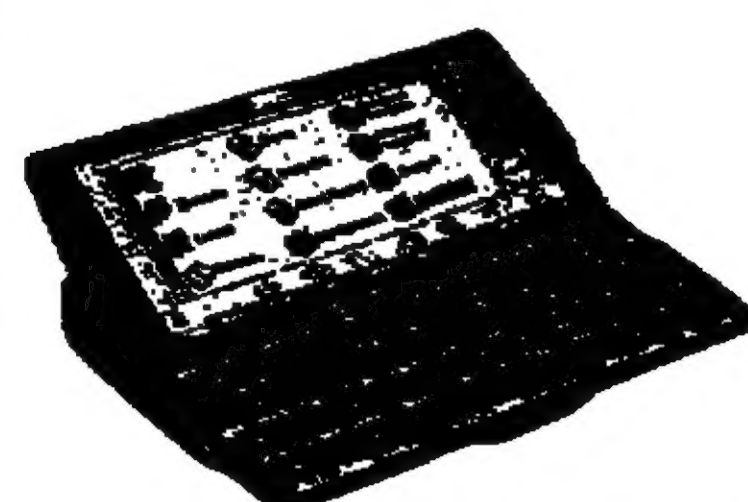
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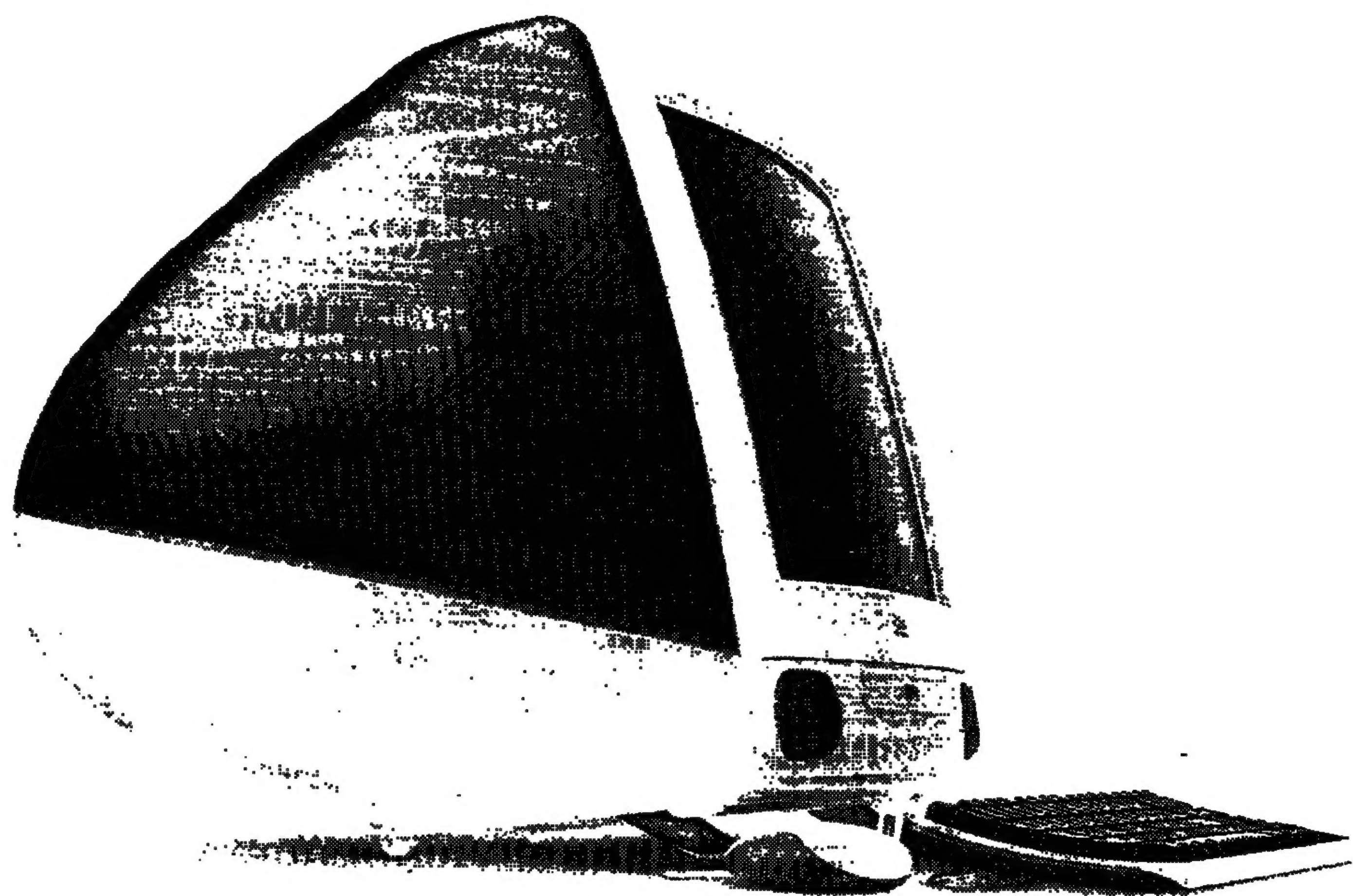
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Lawrence reports tip-off for police

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Thugs back to haunt football, say police

By Stewart Tindler, Crime Correspondent

FOOTBALL violence has reappeared with a vengeance this season, having a trail of serious injuries and the risk that a fan or bystander will be killed, police said yesterday.

The National Criminal Intelligence Service, which monitors games throughout the 92 league clubs, said officers were becoming increasingly disturbed at the number of incidents.

In the first four months of the new season, police have been smothered with reports of hooliganism, and one victim is in an intensive care unit after fights among a Stoke City gang.

A dossier of 22 incidents released yesterday by the service includes details of a battle between 200 hooligans from Manchester United and Coventry City on a train in September; a Leeds United and Bradford City game last month that led to 59 arrests; an attack on a pub used by Arsenal supporters after a derby with Tottenham Hotspur two weeks ago; and robberies and fighting on

a train carrying Sheffield United, Chesterfield and Nottingham Forest supporters last weekend.

Yesterday Detective Chief Superintendent Brian Drew, head of the service's strategic and specialist intelligence branch, said: "There is a lot of violence being used. We can't discount the fact that someone will be seriously injured or killed." The victims could include not only football fans fighting each other but by-

standers as the confrontations spilled across streets.

Mr Drew said although football arrests have been steadily falling in the past five years, violence has never disappeared. Last month 150 officers from across the country meeting at a national conference said they believed there was an upsurge in violence this season. Reports gathered by the service support their view.

Mr Drew said: "This season the ugly face of football hooli-

ganism has continued to make its unwelcome presence felt. A hard-core — well-organised and well-bent on causing mayhem — is using football matches as a cover for its criminal activities."

Mr Drew said: "The hooligans used to be seen as a mindless group. They are thugs but they are also organised and use mobile telephones, pagers and dispatch riders to organise."

Many of the battles now take place away from grounds because new controls such as closed-circuit television, all-seater grounds and ticketed matches. But a new generation of hooligans has emerged and they are planning confrontations.

He said that exclusion orders that prevent hooligans from getting into grounds had not acted as a deterrent. The orders were inconsistent or not far-reaching enough and they were not mandatory. They did not for example stop offenders travelling to grounds.

AND LIFE IS TOUGHER ON THE PITCH

Injuries to professional soccer players are now more than double in the last 10 years, according to a study considered, with strikes refereeing, as a hazard and risk management. On average, eight needed medical treatment during a match, a 10 per cent of injuries meant that players missed at least a subsequent game. The study, published in the *British Journal of Sports Medicine*, says it is not possible to make sports free of injury, and footballers had a general, low understanding of prevention strategies, such as warm-up, cool-down and training to improve strength and flexibility.



The finders: John Sutton and Nigel Wilding

Beach riddle of a golden find

By Richard Doce

A RARE top Anglo-Saxon sword was found on a beach as claimed by two men with a metal detector, but was probably unearthed from an ancient burial site near by, according to evidence at a "treasure trove" inquest.

Geological and archaeological experts cast doubt on the claims of John Sutton and his son-in-law Nigel Wilding who say they found the 7th century gold pommel sword in clay on Aldrough beach near Hull. The sword, said to be older than the sword, so a more likely source was Melton Hill.

The inquest jury at Hull has to help to determine to whom a reward, if any, is payable under the 1996 Treasure Act after first establishing the true site of the find. Geoffrey Saul, the

coroner, said police became involved after doubts were expressed about the site.

Mr Sutton told the inquest that he had been metal detecting while his son-in-law was sea fishing. A friend suggested the find may be a Viking dagger tip, so he took it to experts at the North Lincolnshire Museum in Scunthorpe. Since then he had been told by various sources that it was worth £10,000 to £3 million.

Mr Saul said that a reward may be paid, at the State's discretion, to the finder, the occupier of the land, and anyone with interest in the land at the time of the find.

The coroner told the jury that neither Mr Wilding nor his father-in-law faced any police action. The inquest continues today.

Giant jailed for strangling Wren

By Simon de Bruxelles

A MAN who claimed that he accidentally killed a young Wren while having an epileptic fit was convicted yesterday of her murder.

Steven Smith, 31, who is 7ft 1in, was jailed for life for strangling 23-year-old Tammy Williams, a navy photographer he had met in a street in Plymouth and forced her back to his flat.

After his conviction by a jury at Plymouth Crown Court, police disclosed that Smith, 31, had stood trial accused of two separate assaults on women six weeks before he killed Miss Williams. At both trials for rapes alleged to have taken place in his home town of Barnstaple, north Devon, held one after the other at Exe-

ter Crown Court, he persuaded the jury that the women had consented to sex.

The jury at the murder trial was never told that Smith was in Plymouth when he met the Wren because he had moved there when required to stay away from Barnstaple as a condition of his bail.

Smith claimed that he had no recollection of killing Miss Williams because he was suffering a seizure at the time. After coming round and finding her dead in his flat he put her body in a cupboard.

He later told friends and his parents that he had "killed a woman" but gave different accounts of what had happened.

Jailing Smith for life, the judge, Mr Justice Sedley, told him: "The crime of which you have been convicted is a quite dreadful crime. You have ended without motive, reason or even provocation a bright young life and her friends and family deserve every possible sympathy."

After the case Detective Inspector Norman Brown, who led the investigation, said it had been difficult even though Smith had given himself up to police and told them he was involved in the death.

"It has always been our case that he forced this Wren from the street to his flat where he murdered her."



Slater: had stood trial for assaults on women



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'Our town' tales could make Dome's day

Dominic Kennedy reports on plan to raise attendance

A TOWN's day is to be invited to the Millennium Dome to put on a show about its history, the present day and aspirations for the future.

The people of Stirling will travel 42 miles to Greenwich in January 2000 to become the first community to take part in the "Our Town's Story" initiative. It is a marketing play by the Dome's promoters, who need to attract 33,000 people a day to achieve the minimum target of 12 million visits.

The aim is to create a Domesday Book of live performance, describing the communities of the United Kingdom today. The results will be accessible via the Internet.

Those taking part in the shows will be allowed in free. But the cashloads of parents, grandparents, friends and custodians of civic pride cheering them on will have to pay.

"Stirling is looking to find the oldest person and the youngest telling their story," said Maggie Semple, who is launching Our Town's Story today, with 400 days to go before the millennium.

Bury wants to send 100 children to New York to bring back 100 American children. During the Atlantic sea voyage, the plan to write and practise their story. Their ship would finally carry them up the Thames to Greenwich to put on the show.

Winchester is considering sending its cathedral choir.

Newcastle upon Tyne was "so ambitious they might want to bring 2,000 dancers", Ms Semple said. Dudley is proposing to stage a children's opera.

In Northern Ireland, towns are hoping communities can be united by creating shared performances about their history and future. The stories of early Christian settlements will be told in presentations for Bangor, Armagh, Derry and Downpatrick. Belfast will celebrate its shipbuilding and linen industry heritage.

Shetland islanders are proposing to sail down the North Sea to London, perform at the Dome then return via the Irish Sea.

Greenwich schoolchildren are already working on their

town's story. They are researching the history of Sanchez the slave, a historical figure who landed at the port.

Schools have been looking at the history of Sanchez, how he arrived, how Greenwich changed as a result of him being here and how they can represent it in dramatic form," Ms Semple said.

The languages of Celtic Britain will be heard: the Welsh are planning bilingual performances and the Scots are sending Gaelic singers.

Our Town's Story has been designed to slot into the school curriculum. Ms Semple, a dancer who has been head of performing arts at a school, a deputy headmistress and also an inspector, said the programme would place no extra burden on teachers.

"I have put on thousands of school plays. I know where the tears are and I know about the costume-making the night before," she said. "We are not bolting on extra work for teachers for the Millennium. Everything is about helping them to deliver the curriculum."

Each education authority in the UK is being asked to present a town's story, so that the Millennium Experience could be devoted to a single community on more than 200 days. "The education sector couldn't have a better platform than the Dome to celebrate what it is already doing really well," Ms Semple said.



Semple placing no extra burden on teachers



Andy Elson, left, and Colin Prescott preparing for their all-night lock-in yesterday

British balloon team goes to sleep on the job

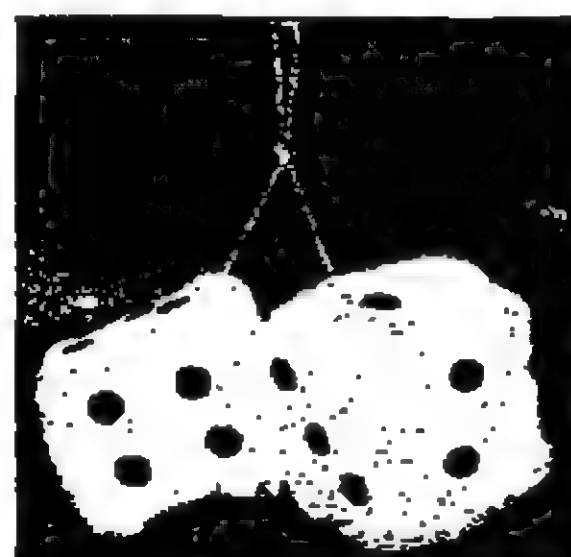
BY HELEN RUMBLOW

THE only all-British round-the-world ballooning team spent last night sleeping in their capsule in the back yard before venturing further afield.

Although the wicker baskets of the first days of ballooning have been replaced by what looks like a bottle bank crammed with hi-tech instruments, this is still an old-fashioned British adventure. Instead of Marmite sandwiches, Andy Elson and Colin Prescott have two giant pots of it, and instead of late-night Ribena, they have 30 bottles in preparation for up to three weeks spent 30,000ft up in the 7ft by 10ft living space of the Cable & Wireless balloon.

Last night was a final 24-hour lock-in in the capsule in Glasbury before taking it out to the launch site in Almeria in Spain.

Mr Elson has made the capsule slightly more spacious since his attempt last year when he won the world ballooning endurance record for spending almost ten days aloft with Bertrand Picard of the Breitling team. That international team was not especially well-matched but since his defection, Mr Elson, 45, has acquired a British co-pilot, Mr Prescott, 48. They have flown together only once, for about an hour, but both are confident that their sense of national pride and grit will give them the edge over their five rival teams. "We're very British in our sense of adventure," Mr Prescott, director of the Flying Pictures Ballooning



Hoping for luck: fluffy dice in the cockpit

Company in Stockbridge, Hampshire, said. "We're trying to concentrate on flying rather than all the hoopla."

"Our way of doing things is British, it's understated," Mr Elson agreed. "This time it's going to be about the science of success where last time it was Bertrand's trip to India."

Once Mr Elson has scrambled back into the capsule after hanging out its solar panels as it launches, they will spend shifts of six hours in their bunks and 18 hours sitting in the customised car seats at the controls.

"We're very different characters," said Mr Prescott, who went with Mr Elson to a psychologist to help them get on during what they hope will be a very long flight in a very small space. "He is the fiery one and me being the diplomat, it's all very complementary."

Diplomacy is needed in conditions where a bath is a tube of Wet Wipes and food is an endless stream of reconstituted noodles. This will, however, be leavened with a Christmas pudding if occasion demands.

Methodists told: For you, ze joke is over

By SIMON DE BRUXELLES

THE Methodist Church has been asked to apologise to Germans for a spoof of an EU directive. The joke, which has already done the rounds of the Internet and office fax machines, fell foul of race equality watchdogs when it appeared in a parish magazine in Cheltenham this month.

The "directive" announces that English has become the official language of

Europe, but that the Government has agreed to phase in some spelling changes to make it easier for foreigners. Gradually the wording transforms into cod German as spoken in war comics as V's replace W's and th's become z's. The final sentence reads: "Ze dream vil finali kum tru. Ja!"

The joke fell flat when officials of Gloucestershire's Race Equality Council read it in the December newsletter of St Mark's church after a complaint.

The council's spokesman Tony Gomez said: "It's in bad taste. It's not serious enough for prosecution, but an apology would be appropriate."

Donald Briggs, the church member who submitted the article, conceded that he had "adapted" it from an in-flight magazine. He said yesterday: "It's certainly not racist, it's a joke." A total of 435 Internet websites each claim the idea. A version even appeared in Philip Howard's column in

The Times in March. The St Mark's minister, the Rev John Beardsley, said: "There are no grounds whatsoever for objection to this article. I apologise if there's anybody who doesn't have a sense of humour."

The complaint came from a Gloucester woman who was shown the magazine by a friend. She said: "The implication is clearly that the Germans are still trying to take over Europe, like Hitler did, and all that follows."

Mice give alcoholism clue

By NIGEL HAWKES, SCIENCE EDITOR

A NATURAL substance that helps to control appetite may also have a role in controlling alcohol consumption. Scientists have found that mice lacking the material, neuropeptide Y (NPY), are more inclined to drink alcohol but are less sensitive to its effects.

NPY has many effects in the brain, of which the most im-

portant is its ability to stimulate appetite. Scientists at the University of Washington, in Seattle, found that mice without NPY drink more alcohol when offered it, but are less sleepy. Mice bred to make too much NPY are the opposite: they drink less alcohol but are more susceptible to the effects.

The results, Todd Thiele

and colleagues report in *Nature*, are evidence that alcohol consumption is controlled, at least in part, by levels of NPY in the brain.

If the same is true in human beings, it could provide clues to alcoholism. The evidence is that people less sensitive to alcohol are more likely to become alcoholics.

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Tory peers throw down gauntlet over abolition

THE Tory leadership yesterday warned the Government that it would not accept the abolition of hereditary peers from the House of Lords without the guarantee of further reforms.

Viscount Cranborne, the Tory leader in the Lords, gave ministers the clearest signal yet that their reform Bill will face a stormy passage through Parliament when it is introduced next year.

The Government confirmed this week that it will introduce a first stage Bill abolishing the voting and sitting rights of hereditary peers this session. Wider, second stage reforms will be delayed for some years while a Royal Commission considers various alternatives.

Speaking on the first afternoon of a five-day debate on the Queen's Speech, Lord Cranborne criticised the Government for trying to expel hereditary peers without saying what would take its place. There was the "greatest suspicion" that the Government "will be tempted to kick stage two into touch, no matter what the Royal Commission recommends".

He urged the Government not to let the document "gather dust" in some Whitehall pigeonhole. He added: "In the absence of any guaranteed progress to stage two, it will be extremely difficult for my noble friends and I to accept the Government's proposals and we must, I fear, look forward to a long and difficult session." Lord Cranborne said the "fatal incoherence" of the Government's constitutional reforms was forcing Tony Blair to rely on "rigged" referendums which "served only to reinforce the impression that the Prime Minister's principal objective is to undermine the position of Parliament as the bedrock of the constitution."

Viscount Cranborne attacks 'snake oil salesmen' who are rigging reform, reports James Landale

He accused Mr Blair of dangerously "unkinking" with a Parliament whose scrutiny he wished to avoid. "We are being sold snake oil by snake oil salesmen who only want to perpetuate their hold on power by rigging the system," he told peers. "They want nothing to do with genuine reform centred on a Parliament that works better and we should, as a House, use the next session to expose them."

However, Baroness Jay of Paddington, the Leader in the Lords, said that the Government was determined to see its reforms through. "It is promised in our manifesto and it will be delivered by the Government," she said. The first stage Bill would be a self-contained measure. She insisted: "The Government is as committed to its manifesto proposals as the House of Lords as it is to the first. The Royal Commission is not a delaying tactic. It will work to a tight timetable and its recommendations will be promptly considered."

She said that many Tory peers were members of the "St Augustine school of Lords reform" — it is a good idea in principle, but not yet, my Lords, not yet. The problem with this approach is that "not yet" has, in the past, always become "never."

Lady Jay also made an unusual attack on hereditary cross-

bench peers. Although she praised some for their independence, she effectively accused the majority of being closet Tories. "This House knows which lobby they go through time after time after time," she said. "Independent by name but not independent by nature."

Lord Rodgers of Quarry Bank, the Liberal Democrat leader, urged the Government to be more clear about its plans for second stage reform. "We are presented again with a great deal of vagueness about the timetable, which this House ought to know," he said.

The Earl of Dunmore, 52, an electrical supervisor from Tasmania, told peers how Australia was planning to reform its own constitution. The 12th Earl, who inherited the title from his father three years ago, was making his first trip to Britain to deliver his maiden speech in the House of Lords before hereditary peers are abolished.

To loud cheers from the Tory benches, he said it was not his place to question the Government's reforms, but urged: "I pray the new-looking second chamber will not lose the rich tradition and heritage

that has made it such a respected place and which has given such a great contribution over the centuries."

Lord Norton of Louth, the Tory peer and professor of politics at Hull University, said in his maiden speech that the Government should spell out more clearly its stage two reforms. "It is akin to a young tearaway who has decided to leave home but has not yet de-

cided where to live," he said. "Before we leave home, we need to be sure where we are going, otherwise what may beckon may be a constitutional wilderness."

Lord Waddington, the former Tory Home Secretary and former Leader of the Lords, said: "In the absence of a written constitution amendable only by special procedures, there are few safeguards in

Britain against a Government which is supported by a hefty but very temporary majority in the Commons destroying our most precious institutions, including the monarchy."

These institutions had "grown up over the centuries and most people recognise they are not the playthings of politicians, to be tampered with at the whim of a temporary majority in the Commons." Lord Butler of Brockwell, the former Cabinet Secretary, praised the Government's "ambitious programme" of reform but warned of the dangers of an entirely nominated second chamber. "In the absence of hereditary peers, it is essential for the Royal Commission to find a way of filling most of the Lords which does not depend solely on the executive."



only a thorough surge with guarantee a smoother running Commons."

only a thorough surge with guarantee a smoother running Commons."

Apathy may marr result of Scottish by-election

By Shirley English and Gillian Harris

ONE in eight Scots will get the chance to vote today in what will be the final test of public opinion before May's elections to the first Scottish parliament in 300 years.

The North East Scotland by-election, prompted by the death of sitting Euro-MP Alan Macartney, the Scottish National Party's deputy leader, will be watched closely by all four major parties. Although Mr Macartney won the seat from Labour in 1994 with a landslide 31,000 majority, the outcome is not clearcut.

The constituency has changed hands between the Tories, Labour and the SNP three times in 20 years, which is more than any other European constituency. With Labour nudging ahead of the SNP in the latest polls, no one is taking victory for granted.

But perhaps the greatest battle facing the four main candidates will be voter apathy. Turnout, traditionally low in European by-elections, is expected to be poor. A lacklustre campaign has excited little interest, and politicians will be relieved if even a third of the

electorate bothers to vote. Ian Hudghton, 47, from Forfar, is the SNP's bright hope and the favourite to hold on to the seat, which includes the Banff and Buchan constituency of Alex Salmond, the SNP leader. After three weeks on the campaign trail, the former painter and decorator, who now leads Angus council, will have completed more than 5,000 miles.

Universally acknowledged as "a nice man", Mr Hudghton's style is low key. One party worker said: "He's not what you would call flamboyant. But he's very dependable and efficient."

The candidate who has grabbed most of the meagre headlines is Labour's Kathleen Walker Shaw, 37, who was parachuted in from Brussels, where she works as the European officer of the GMB union. Although she has the right credentials, familiar with Europe and bilingual, in practice she has been remarkably gaffe-prone. On her first day on the hustings she called SNP policies racist and was forced to retract her remarks. Last week she lied to reporters

and claimed that she had been born in Aberdeen.

Such shenanigans are manna from heaven for Iain Ramsay, 49, who is standing for the Liberal Democrats and takes great pride in the fact that the press has described him as the most "flamboyant" contender. His rivals prefer adjectives such as "odd". A former Tory MP for Delyn in North Wales, he claims to be the most local candidate, having genuinely been born in Aberdeen.

The Conservatives, who came third last time are hoping to see signs of recovery. Struan Stevenson, 50, from Ayrshire, admits that there is a "great deal of apathy" and complains of being lonely: "You feel you are campaigning on your own. It's not like fighting for Westminster."

Labour demand an apology last night after a prospective SNP candidate for the Holyrood parliament compared Tony Blair to Hitler's propaganda chief, Joseph Goebbels. Alistair Nicholson, accused him of spreading "misinformation and lies to bewilder and confuse the voter."

Britain cannot escape tax policy for Europe

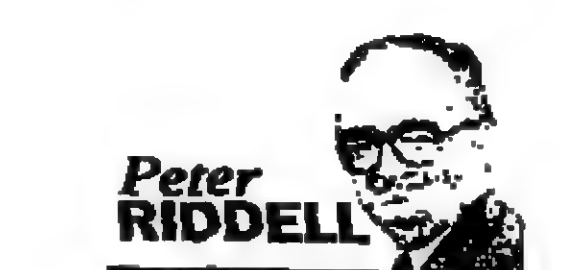
EUROPEAN policy is never straightforward for Britain. Even governments with strong pro-European instincts such as the Blair administration soon find that their rhetoric clashes with the realities of European decision-making.

Tony Blair has pursued closer relations with other governments. He visited Spain two weeks ago and held talks last Sunday with Bodo Hombach, the German Chancellor's Minister, who has very New Labour views.

This week, however, we have seen familiar headlines that "Britain blocks tax harmonisation", alarmist stories in the *Daily Mail* and yesterday's front page of *The Sun* with a photo of Oskar Lafontaine, the German Finance Minister, next to the question: "Is this the most dangerous man in Europe?" Herr Lafontaine is certainly a problem for the British Government but it is ludicrous to claim that he "is the biggest threat to the British way of life that we have seen since 1945". What about the threat of hyper-inflation and massive state intervention under Tony Benn in the mid-1970s?

The reality is less dramatic though still tricky. Initial contacts between the Blair camp and Chancellor Gerhard Schröder and his advisers have shown broad agreement on economic policy. But Herr Lafontaine and his allies are not on that wavelength. He is both a destabilising influence within the Bonn coalition and offers a different economic analysis. He believes Germany's economic problems are caused by a lack of demand and opposes many proposals for structural reform because they threaten the long-established social model.

The Blairites also point to a major speech two weeks ago by Dominique Strauss-Kahn, the French Finance Minister, calling for structural reforms to make labour and other markets work more efficiently. That speech, which is backed by the Schröder camp, envisaged a tight fiscal policy to permit a more flexible monetary policy, as pursued by Alan Greenspan in America.



Peter Riddell ON POLITICS

ters are also discussing ways of attacking tax loopholes.

The immediate British concern is over the proposed withholding tax on interest income that would threaten the Eurobond market in London. Proposals have been put forward to increase tax transparency and to promote exchange of information between tax authorities. More ambitious ideas for harmonising corporate tax rates seem unlikely to be agreed in view of wide differences in national tax bases.

The quandary for Mr Brown is that he has raised his flag so strongly on the ground of nationalising of tax rates and the sovereignty of Parliament, so that it will be harder for him publicly to compromise where it is in Britain's interest. More broadly, the Blair Government will have to accept that the rest of the European Union will not stand still while Britain makes up its mind on monetary union. The 11 Euro founders will press ahead with fiscal measures to make the system work better. Britain would rather this did not happen, because it provides further ammunition for sceptics at home.

But some tax harmonisation is likely, even if nothing like the scale suggested this week. And a British Government really wanting to be at the heart of Europe better come to terms with his.

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Mandelson acts to block union recruiting drives

PETER MANDELSON is to go ahead with stringent safeguards to prevent unions organising snap recruitment campaigns to secure automatic recognition in the workplace.

He is to give new powers to the Central Arbitration Committee to force unions to prove that their members wish to be represented by them for collective bargaining.

The move is likely to infuriate trade unions who will accuse the Government of reneging on one of the key clauses in the White Paper on union rights. Under the Fairness at Work Bill unions will win statutory recognition rights if 40 per cent of the workforce vote in favour.

But it also includes a clause giving automatic recognition if 50 per cent of the workforce are already union members. Any condition on the latter clause effectively stops it being automatic.

Mr Mandelson has been concerned about the automatic clause and has reopened negotiations on the issue since he took over as Trade and Industry Secretary. But he has been anxious not to jeopardise relations with trade unions by bowing to all the employers' demands.

He has now dropped a requirement for a minimum period of trade union membership as a condition of automatic union recognition, a request by the Confederation of British Industry which had been under serious consideration.

Safeguards on workplace recognition are attacked by TUC, writes Jill Sherman

But Mr Mandelson has agreed to employer requests to make it more difficult for unions to reach the 50 per cent automatic threshold. He has also revised the proposals to abolish the ceiling on compensation for unfair dismissal. Instead he intends to raise the ceiling from £12,000 to about £50,000.

Mr Mandelson has decided against writing the new safeguards into primary legislation on the face of the Bill which would have prompted an immediate backlash by Labour MPs.

But the Bill will give the little used Central Arbitration Committee new powers. If an employer, for example, disputes a union claim that 50 per cent of the workforce are in its membership, the CAC will be able to force the union to hold a ballot of its members to ensure that they wish the unions to represent them in collective bargaining.

The CAC will also have powers to check whether the union has recruited legitimate members, rather than people who

have merely been given free membership cards.

Mr Mandelson will argue that the compromise does not go as far as employers would have liked, but he is likely to face intense opposition from union leaders. Last night Ken Jackson, general secretary of the AEUU, one of the more moderate unions, said that he would be bitterly disappointed if Mr Mandelson reneged on any of the key clauses. John Monks, TUC General Secretary, has also warned Tony Blair against watering down the White Paper.

Mr Mandelson refused to disclose any details when he referred to the Fairness at Work Bill during the Queen's Speech debate yesterday. But he signalled that he was prepared to make changes to reassure employers after listening to responses to the White Paper. "These have helped us to develop and refine the detail," he said.



Onlookers gaze up at the sky as the sun goes out for a few seconds over Giggleswick, North Yorkshire on June 29, 1927. Back then, three million people descended on the area to see the solar eclipse — still the biggest recorded movement of people by train in Britain. (Mark Ingfield writes.)

Lib Dems are in eclipse

view the next one. Yesterday, Matthew Taylor, Liberal Democrat MP for Truro and St Austell, called on the Government to create the post of Eclipse Minister to coordinate the event. Mr Taylor said that the strain on local services

could cause a disaster. He said: "What we need is Government understanding that it is a national event, not a local one, that will need national support." But Nick Raynsford, the junior Environment Minister, rejected the idea,

saying it was not an emergency. He also ruled out Mr Taylor's request for extra government funding, saying the additional costs would be met by the police. "The Devon and Cornwall Constabulary estimates the cost of policing the

eclipse is £600,000 — less than half of 1 per cent of its budget," Mr Raynsford said. He also pointed out that Cornwall would reap huge financial benefits, and should be grateful. The eclipse will be seen for, at most, two minutes and six seconds on the line of totality just north of Penzance to just south of Falmouth.

Leading article, page 25

may marr reshish by-election

Field predicts revolt over welfare reform

By Roland Watson, Political Correspondent

FRANK FIELD today gives warning that the Government faces a serious backbench revolt unless it changes tack over its planned shake-up of the welfare state.

Mr Field, the former Minister for Welfare Reform, says that rather than offering a hand-up, the proposals risk being "yet another put-down for the poor".

The Birkenhead MP who lost his job in July after being told to "think the unthinkable", takes ministers to task in today's *New Statesman* for their piecemeal approach to reshaping the benefit system.

The Queen's Speech on Tuesday outlined plans to tighten eligibility for a number of benefits, including incapacity benefit and widows' benefit. Mr Field said the moves went back on Labour's pre-election stance by taking a "further drive into a means-tested morass". He also accused ministers of taking a "trick out of Tory ministers' book by masking the true extent of their proposed reforms."

Although the changes to widows' benefit were announced

as extending coverage to widowers, the move would eventually see widows without children losing out to the tune of £500 million a year, he said.

And although the element of mobility allowance within incapacity benefit was being extended to children aged three and four as well as the over-fives, the national insurance rights of the long-term sick and disabled were being "hacked away" to provide annual savings of £750 million.

Mr Field's attack, based around his insistence that means-testing encourages dishonesty and discourages work and savings, will not surprise ministers.

The ex-minister said this year's welfare reform Bill would provide a "watershed" in the life of the Government.

"Either the Government takes seriously the consultation it is undertaking, in which case the Bill is likely to be radically different from the proposals that have been announced. Or the Bill will follow those proposals in detail. This will test the mettle of Labour backbenchers," he said.

£5bn investment in school renovation

A THREE-YEAR £5.4 billion investment programme to rebuild crumbling schools was announced yesterday by David Blunkett, the Education Secretary. The money — a mixture of direct government grants, permission for local authorities to borrow and deals

with the private sector — will help thousands of schools. Projects will range from fixing leaking roofs and replacing temporary classrooms to new heating systems and construction of new schools. Mr Blunkett said the money amounted to an extra £750 per pupil.

CONFERENCE ON GOVERNMENT

Jack Straw, the Home Secretary, will be the principal speaker today at a conference on "The Crisis of Strong Government" organised

by Democratic Audit and Charter88 and sponsored by *The Times*. It is being held at Central Hall, Westminster.

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Ireland considers Commonwealth

Nation will debate rejoining, Ahern tells Martin Fletcher on the eve of Tony Blair's historic visit to Dublin

ON THE eve of Tony Blair's historic address to the Irish Parliament this morning, Bertie Ahern, the Irish Prime Minister, has said that there will be a debate within Ireland about rejoining the Commonwealth.

With the long cold war between Britain and Ireland now over, Mr Ahern said that members of his Fianna Fail party had raised the question of rejoining and "it will be an issue that will be debated over time".

Ireland left the Commonwealth when it became a republic in 1949. Advocates say that rejoining would confirm the new partnership between London and Dublin, and send a positive signal to Northern Ireland's Unionists.

Mr Ahern said that the Commonwealth, with its imperialistic origins, was still viewed with suspicion but "it's a very different thing now than it was 50 years ago". He would not argue against rejoining, and "I certainly won't be suppressing the debate".

Mr Blair will be the first non-head of state from any country to address the Irish Parliament. Interviewed in his parlour in Dublin's Government Buildings, Mr Ahern recalled a meeting of British and Irish dignitaries during Baroness Thatcher's premiership when relations were so fraught that "if someone had dropped a bottle there would have been fighting in the room".

He said that, only five years ago, the controversy surrounding such an address would

have been "unimaginable", but on this occasion he had not received a single letter of protest. The invitation was a "tribute" to Mr Blair's "huge commitment" to resolving the problem of Northern Ireland that has bedevilled Anglo-Irish relations for three quarters of a century. None of the Prime Minister's predecessors could have secured the Good Friday peace accord, and he was "coming here as a genuine friend from a friendly nation".

But Mr Ahern dismissed speculation that the address would be followed quickly by the first state visit by a reigning British monarch since 1911, when Ireland was still under British rule. He said that the Queen wanted to come, but not until the accord was "bedded down" and Northern Ireland's new institutions were fully functioning. That would not be before mid-2000 at the earliest, and perhaps another year after that.

"It would be entirely wrong to have the Queen enmeshed in controversy," he said. "When it happens, it should be done with all the occasion that it deserves."

Mr Ahern also signalled his readiness to put intense pressure on Sinn Féin and the IRA if the republican movement continued to breach the spirit of the accord by refusing to disarm.

London and Dublin were honouring their commitments. Prisoners were being released. "We always understood that, if we got this far, there would be decommissioning," he said. Agreement was now close on the size of the new power-sharing executive and the terms of the new north-south bodies. At that point "we can say to Sinn Féin... it's ten months on and everybody else has done A, B, C and D and done 95 per cent and you have done nothing,"



Bertie Ahern: he said that Tony Blair was coming to address the Irish Parliament as "a genuine friend from a friendly nation"

he said. "I do think that puts the pressure on them. Certainly I won't be stalling about putting the pressure back on them. We need some clear message or signal that all of this is getting us somewhere."

Mr Ahern said that David Trimble, the First Minister, had also breached the accord by refusing to set up the executive without pre-conditions. "Everybody is guilty," he said. But he accepted that, for political reasons, Mr Trimble could not move without progress on decommissioning. He also accepted that Gerry Adams could not deliver IRA disarmament, but insisted that "he and

his colleagues have to keep acting as persuaders". Mr Ahern dismissed reports that the IRA held a special army convention to discuss decommissioning last weekend. He also downplayed his own assertion on Sunday that Ireland would be united in his lifetime. He was speaking as a

party leader at his party's conference, not as Taoiseach, and expressing his own long-term aspirations, just as Mr Blair had stated that reunification would not occur within his lifetime. The important thing was to see the accord fully implemented and "let the future take care of itself".

Informal discussions on Irish membership began about three years ago. Only three countries that were once part of the British Empire have remained outside the Commonwealth: Ireland, which left in 1949; Burma, which decided not to join on independence; and Aden, which has since become one country with Yemen.

AN APPLICATION by Ireland to rejoin the Commonwealth would be the latest and most dramatic signal that the club of countries once ruled by Britain exerts an increasingly powerful attraction (Michael Binyon writes). There are now 54 members — a record — of one of the world's largest and most diverse bodies, which cuts across political, economic, geographic and religious groupings.

Informal discussions on Irish membership began about three years ago. Only three countries that were once part of the British Empire have remained outside the Commonwealth: Ireland, which left in 1949; Burma, which decided not to join on independence; and Aden, which has since become one country with Yemen.

The end of apartheid signalled a renaissance for the Commonwealth. Pakistan, which quit over the acceptance of Bangladesh, had already rejoined. Fiji, which left in the wake of the political upheaval and promulgation of a new constitution, has just been accepted back. Mozambique, a former Portuguese colony, was admitted as a special exception in 1995 — on condition that it improved the teaching of English — largely at the urging of President Mandela and because all its neighbours were members. And Cameroon, whose southern part was once a British mandate, was also admitted in 1995. Yemen made a formal application at the Edinburgh summit last year, and Yasser Arafat also lobbied for Palestinian membership on the basis of British rule during the 30-year mandate until 1948.

The Commonwealth provides an easy network for countless academic, political and economic exchanges.

IRA men who killed soldiers to be freed

By MARTIN FLETCHER, CHIEF IRELAND CORRESPONDENT

TWO IRA men convicted of murdering two British soldiers who drove into the path of a republican funeral in West Belfast are to be freed from the Maze prison today or tomorrow.

Alex Murphy and Henry Maguire were sentenced to life for their parts in the mob attack and subsequent killing of Corporals David Howes and Derek Wood in March 1988. The murders were among the most shocking of the Troubles because television crews filmed the attack and an army helicopter

filmed the shootings. Northern Ireland's Lord Chief Justice described the killings as "particularly savage and vicious". Murphy and Maguire blew kisses to relatives as they were led out of the courtroom.

It is believed that news of their release leaked out because a party is being planned for them at a republican ex-prisoners club in the Falls Road.

The murders completed a two-week sequence of killings that began when the SAS shot three IRA activists on a

mission in Gibraltar. A loyalist named Michael Stone threw grenades and opened fire at their funerals in the Milltown cemetery, killing three mourners including an IRA man, Kevin Brady.

Three days later, with tensions high, the two Signals Regiment corporals in plain clothes inadvertently drove into the path of Brady's funeral cortege. They tried to reverse, but a taxi blocked their route. An incensed mob dragged them from their car, stripped them and beat them. Murphy and Maguire then

took them to waste ground where they were repeatedly shot by two other gunmen.

Father Alex Reid, a well-known Redemptorist priest, was filmed on his knees administering the last rites. "Our parish is seen as dripping in the blood of the murders," he said.

To date, 210 loyalist and republican terrorists have been freed from the Maze and Maghaberry prisons without any paramilitary guns or Semtex having been decommissioned.

NEWS IN BRIEF

Officers 'ignored' woman

A police officer has been "required to resign" and another fined £1,000 after a woman complained that they did not take her seriously when she told them that her husband had attacked her.

The Police Complaints Authority decided that the two South Wales police officers should face charges of neglect of duty after an inquiry into allegations made two years ago. Both officers have the right to appeal. Julie Bindel, of Leeds Metropolitan University's research centre on violence, hailed the outcome as a "landmark" for all women.

Military hold-up

A military exercise has been cancelled after more than 75 soldiers of the Royal Electrical and Mechanical Engineers were taken ill after sleeping in a hangar at a Wiltshire airfield. It is thought they may have been affected by cleaning fluids or aviation fuel.

Sun in their eyes

Solar-powered cat's eyes that emit a beam of light visible to drivers 900 yards away are to be laid in roads in Wakefield, Yorkshire, by January, followed by Worcester. The studs, which cost £1,680 a mile to install, are intended to improve safety at accident blackspots.

Home helps

Villagers in Claverdon, Warwickshire, have rallied to help Jean Harlow, 48, who was left homeless when fire destroyed her home on Boxing Day, 1996. She has been given the keys to a cottage built by volunteers after an appeal raised the money for materials.

Age-old question

Jack Smedley, 80, had to get a letter from his mother, 101, to verify his age to let him take part in a veteran's angling competition. Mr Smedley, from Hull, entered a contest exclusively for octogenarians — but couldn't remember if he was born in 1917, 1918 or 1919.

The case of the deadly snow

By IAN MURRAY

A MIX between snow and hail increases the risk of a skier being struck by lightning, researchers have discovered.

Snow pellets known as graupel — a mixture of ice crystals, supercooled cloud droplets and larger ice particles — are

smaller and more spongy than hail, and form a potent environment for the dispersal of an electric charge, says the Lightning Data Center at Denver, Colorado.

A man aged 38 was hit by a bolt as he got off a ski lift when graupel was falling. He had a heart attack and died. In an-

other case, a ski patrol officer was knocked unconscious. He recovered.

Researchers say that people on the slopes should seek shelter when graupel falls. Winter lightning may be rare but it is hard to forecast and the electrical power is often more damaging than in summer.



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Russia plagued by fatal wife-beatings

AS MANY as 14,000 Russian women a year are killed as a result of domestic violence, delegates told a joint United States-Russian conference in Moscow on family disputes. It is a similar figure to the total of Russian lives lost during the ten-year war in Afghanistan.

Interior Ministry figures given to the United Nations show that four fifths of violent crime in the country can be attributed to domestic violence and statistics suggest that a third of all murders are committed by husbands killing their wives.

Only 3 per cent of violent crimes committed in the home are reported to the police and domestic disputes are still regarded by the authorities as a private matter between husband and wife. An article in *Komsomolskaya Pravda* recently reported that helpines for battered women were dealing with five to six times more calls than usual since the beginning of the Russian economic crisis in August, indicating that financial difficulties can aggravate already difficult domestic situations.

The problem, according to Yekaterina Lakhov, a Duma deputy and chairman of the Women of Russia group, is that in Russia "the mentality is founded on the principle that to beat your wife means you love her".

Maria Arbatova, the country's most prominent feminist, works as a counsellor to battered women and says that

Anna Blundy reports from Moscow on a tide of domestic violence worsened by the economic chaos

many of them come to her with a black eye and together they work out a plan for the woman to leave her attacker. "Then she disappears for a month and comes back with far more serious injuries," Ms Arbatova says. "When I ask why she didn't leave him, she tells me he begged for forgiveness, said he only hit her because he loved her and that he

bought her a fur coat. They also say sex is much better after a row." Ms Arbatova believes that wife-beating is strongly ingrained in the social structure. "It's part of Russian culture," she says.

The police agree that the domestic violence reported to them is usually of the kind impossible to conceal, that resulting in death or extremely seri-

ous injury; but the *Komsomolskaya Pravda* report suggests that three quarters of Russian men have hit their wives at least once and that four million women are being battered regularly.

One of them, Yulia, called the Anna helpline three months ago after a decade of persistent abuse.

"My husband would get drunk and violent and I had to barricade myself in the bedroom with the children so he wouldn't kill us," she says. "Often I couldn't go out because of my bruises and I had to keep the children away from school. Eventually he started threatening to kill us and I believed him. That's when I phoned for help."

Although few women report domestic violence to the police, there are 15 statutes under which abusive husbands can be imprisoned.

Larisa Basova, a counsellor and psychologist for the Sisters helpline, says that many of her callers are the wives of rich men, virtually imprisoned and systematically tyrannised by their husbands. Ms Basova says that the situation is not improving and that the figure of 14,000 deaths a year has remained stable for more than a decade.

"In Russia it is harder to leave your partner because for many there is nowhere to go," she says. "Often it is easier to kill your wife than to find two separate flats."

Binges blamed for rise in death rates

By IAN MURRAY, MEDICAL CORRESPONDENT

IBINGE drinking has played a major role in a steep rise of deaths in Russia since the early 1990s, especially among men aged between 35 and 49.

Research on daily death rates of Muscovites between 1993 and 1995 shows that deaths from alcohol poisoning, accidents, violence and heart disease have risen significantly on Saturdays, Sundays and Mondays, compared with the rest of the week.

The study, which is published today in the *Journal of*

Epidemiology and Community Health, found that there were 10 per cent fewer deaths from heart disease on Tuesdays than would be expected among men aged 35 to 39, but 15 per cent more on Saturdays, consistent with drinking patterns in Russia.

The authors, from the European Centre on Health of Societies in Transition, based at the London School of Hygiene and Tropical Medicine, says that the only logical explanation for the pattern of deaths is alcohol abuse.

British firms 'penalised' by failure to join euro

FROM CHARLES BREMNER IN BRUSSELS

BRITISH interests in Europe are being damaged by a "sterile debate" on the single currency and the business world is being penalised by British failure to grasp the inevitability of monetary union, the European Commissioner for Monetary Union will say today.

Yves-Thibault de Silguy, the French Commissioner responsible for the euro, will deliver his blunt warning to a French audience in London after a week that has seen further European Union moves towards deeper integration, including harmonised taxes.

The Commission also sought yesterday to calm British fears over a future common tax policy, but acknowledged that the arrival of the euro in January would bring further pressure in the Union for harmonisation.

In similar vein, Joschka Fischer, the German Foreign Minister, said yesterday that

the top priority was to turn the EU into a single political state.

M de Silguy is to break with the Commission's usual delicacy towards British sensitivities when he addresses the French Chamber of Commerce. "The debate in the UK has always underestimated the momentum behind economic and monetary union," he will say. "Once a rocket is launched, there is no going back."

"Those in the UK who tried to prevent other member states from pressing ahead have simply damaged Britain's image in the EU. And this sterile debate has undoubtedly held back some business preparations in the UK."

Similar views have been voiced by Sir Leon Brittan, the Vice-President of the Commission and a pro-euro Tory. But, coming from a non-British Commissioner, M de Silguy's forthright words reflect confidence in Brussels that Britain

has no alternative but to join the currency, due for launch in five weeks' time.

The euro's launch was recognised yesterday by Mario Monti, the Tax Commissioner, as a likely spur for further moves to harmonising taxes. The Commission was keen not to go beyond present projects for eliminating "harmful" practices in business taxation and for ensuring the taxation of cross-border income from savings, Signor Monti said.

Germany's Social Democratic Government has set tax harmony as a high priority for its presidency of the EU, which begins in January.

In Germany, Herr Fischer, said: "Just as we worked together on the first real transfer of sovereignty in the field of currencies, we ought to work on a common constitution to turn the European Union into an entity under international law... that is my goal."



Imran Khan, the former Pakistan cricket captain, watches a polo match in Lahore with his wife Jemima and their son Salman. He accused the Pakistani Prime Minister, Nawaz Sharif, of "using Islam for personal gain"

IMF throws \$5.5bn lifeline to Pakistan

Islamabad: The International Monetary Fund yesterday agreed to rescue Pakistan's shattered economy from default, granting a \$5.5 billion (£3.3 billion) bailout package, finance officials said.

Pakistan's economy has been blighted by international sanctions after its nuclear tests in May, and owed \$32 billion to international creditors.

The biggest hurdle to the bail-out package was removed earlier this month when America agreed to support a one-time deal for Pakistan. The US imposed sanctions on Pakistan and India after they conducted underground nuclear tests in May. The embargo hit Pakistan especially hard because it relied heavily on foreign loans and had meagre reserves of

hard currency to pay for imports. President Clinton lifted some of the sanctions earlier this month.

The bailout package for Pakistan has a number of conditions, including banking and tax reform and a provision to try to reduce corruption. The deal will require final approval from the IMF board of directors in Washington next month. (AP)

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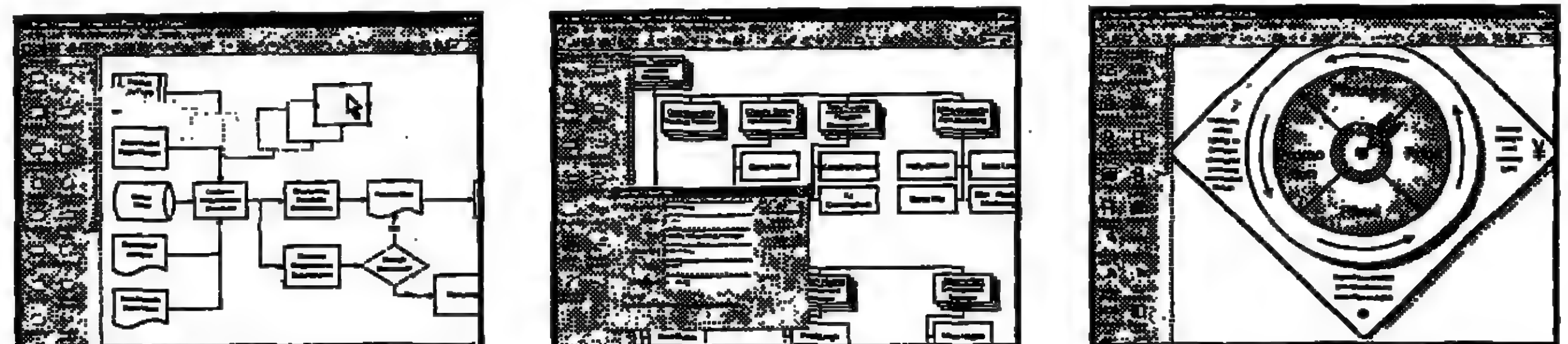
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US alarmed as Mujahidin join Kosovo rebels

MUJAHIDIN fighters have joined the Kosovo Liberation Army, dimming prospects of a peaceful solution to the conflict and fuelling fears of heightened violence next spring.

The Islamic fighters created havoc in the war in Bosnia, where they were regarded as a serious threat to Western peacekeeping troops, especially Americans. Their arrival in Kosovo may force Washington to review its policy in the Serbian province and will deepen Western dismay with the KLA and its tactics.

For the Albanians, the Mujahidin represent a public relations disaster: for President Milosevic of Serbia, they are a propaganda coup, enabling his regime to portray the struggle in Kosovo as a form of holy war in which the Serbs are Europe's bulwark against Islam.

Although there are only a few dozen Mujahidin, the bearded young fighters, re-



The arrival of Islamic fighters among the KLA augurs badly for a Balkans peace, reports Tom Walker in Malisevo

splendid in brand-new KLA uniforms, are a startling sight in the snowbound villages of central Kosovo.

On an icy track near a KLA command centre yesterday, they loomed out of the mist on a trailer pulled by a tractor churning through the snowdrifts with snow chains, before they vanished again towards bases the KLA is building near the strategic town of Malisevo.

The local KLA commander, "Captain Dula", was clearly embarrassed at the unexpected presence of foreign journalists and said that he had little idea who was sending the Mujahidin or where they came

from; only that it was neither Kosovo nor Albania. "I've got no information about them," Captain Dula said. "We don't talk about it."

His comments exposed the factionalism of a guerrilla army with little overall interest in religious issues. Captain Dula, the brother of the village imam, said that he had no idea whether he was a Shia or Sunni Muslim. "You'll have to ask my brother about it," he said, erupting in laughter.

American diplomats in the region, especially Robert Gelbard, the special envoy, have often expressed their fears of an Islamic hardline infiltration

into the Kosovo independence movement. But until now there has been little evidence of Mujahidin fighters. The Serbs have displayed a few passports and identity papers they say that they found after

their offensives near the Albanian border in the summer, and members of an indigenous Kosovan Mujahidin group were arrested in mosques around the industrial town of Mitrovica. The Yugoslav Army also exhibited

Korans it said it had found hidden among arms smuggled across the border.

American intelligence has raised the possibility of a link between Osama bin Laden,

the Saudi expatriate blamed for the bombing in August of US embassies in Nairobi and Dar es Salaam, and the KLA. Several of Bin Laden's supporters were arrested in Tirana, the Albanian capital, and deported this summer, and the chaotic conditions in the country have allowed Muslim extremists to settle there, often under the guise of humanitarian workers. In Kosovo, US diplomatic observers are living in villages harbouring the Mujahidin, seemingly a recipe for disaster.

The Organisation for Security and Co-operation in Europe may have to rethink its deployment of US "verifiers" over the

coming months. It is thought most likely that Kosovo's Mujahidin will have come via Bosnia, where many settled in rural areas after the war. Several groups are also held in Zenica prison by the Bosnian Government, which is anxious to distance itself from accusations of radical Islamic sympathies.

"I interviewed one guy from Saudi Arabia who said that it was his eighth jihad," a Dutch journalist said.

□ **Pristina:** Serb police killed a KLA guerrilla yesterday while repelling an attack by armed rebels near the southwestern Kosovan town of Djakovica, the Serb Media Centre said. (AP)



Ethnic Albanian boys build snowmen at their ruined school in Lausa, Kosovo. A year ago a teacher there was killed by random Serb gunfire

UN chief hints at deal on Lockerbie

FROM JAMES BONE
IN NEW YORK



Annun: may detour to Libya on African trip

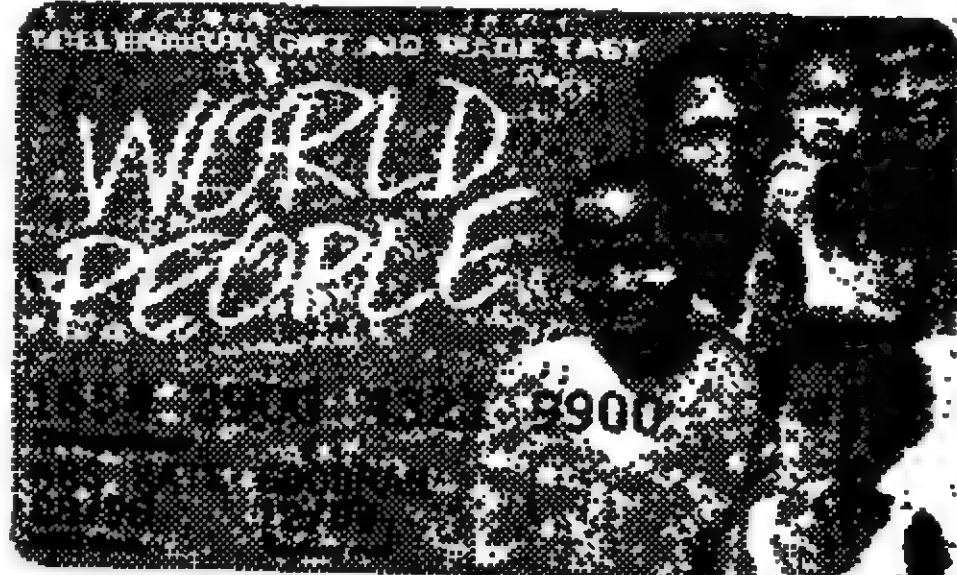
KOFI ANNAN, the United Nations Secretary-General, is considering a detour to Libya during a trip to North Africa next week to secure the surrender of the two suspects in the Lockerbie bombing.

Hinting at a possible breakthrough, Mr Annan said yesterday: "I will be in the region next week, and the question has been raised if it will be helpful for me to go down there and bring the issue finally to closure. I have not made up my mind yet, but it's not excluded." The Secretary-General will be in Algeria on December 1-2 and in Tunisia on the following two days, and is reportedly considering a meeting with Libyan officials on

the Libyan-Tunisian border. His comments came after several rounds of discussions between Libyan lawyers and UN officials about the surrender of the two suspects to stand trial for the 1988 bombing of Pan Am Flight 103 over Scotland.

"We have had a very constructive discussion with Libyan lawyers and mine," he said. "I think we have offered most of the clarifications and I had hoped we would be able to bring the issue to closure by the end of November. We are still pressing for that."

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Jiang hopes his Japan visit will end 50-year rift

THE President of China, the first leader of the country to visit Japan since the Second World War, arrived in Tokyo yesterday seeking to heal half a century of mistrust between the two Asian powers.

He was also expected to apologise from Tokyo for the wartime atrocities committed by Japanese forces in occupied China. Last month, Japan apologised to South Korea's visiting President for crimes inflicted during Japan's 1910-45 colonisation of its Korean neighbour.

President Jiang Zemin of China is hoping for a similar act of contrition in talks starting in Tokyo. He is also likely to issue a tough warning against "meddling" in Taiwan by Japan and the United States.

An apology to Mr Jiang, which is still being debated, would be a far more significant gesture than Tokyo's expression of repentance and apology to South Korea's President Kim last month because a fast-growing China is now a rival to Japanese power in Asia. Nowadays the two nations are important trading partners, with last year's commerce between them worth \$63.8 billion (£34.4 billion).

It was at the Marco Polo Bridge just outside Beijing that Japanese troops attacked Chinese forces in 1937 before occupying large parts of the country until the end of the Second World War. Elderly resi-

War memories bedevil relations between Tokyo and Beijing, says James Pringle

dents of the area speak in quiet horror of what many see as the true start of the wider world war. They recall that Japanese troops tested chemical and biological weapons on Chinese civilians, beheaded suspected resistance fighters, bayoneted babies and starved millions. Perhaps as many as 20 million Chinese died during the war.

But it was the Rape of Nanjing, in which an estimated 300,000 Chinese civilians were murdered and thousands of women sexually assaulted, that seemed for years to define Sino-Japanese relations. There is strong distaste in China over the alleged playing-down of these matters in Japanese school textbooks.

Ordinary Chinese still refer to the Japanese as "devils" and even Chinese officials, shedding diplomatic language, do little to hide their distaste for Japan. They often say that the Japanese have not shown repentance for the atrocities committed in China, whereas, they say, the Germans have apologised for their war actions.

Analysts say that a sincere

apology for wartime brutality could help to point the way forward for the two Asian nations whose relationship will set the tone for the continent's development in the 21st century. "This is a most significant visit," a Beijing-based foreign diplomat said. "So much in east Asia is riding on the result."

Japan's economy may be ailing, but it remains the region's largest. Nevertheless, it is Japan's close security relationship with the United States that most worries China. The presence of the US Seventh Fleet in Okinawa and Japan's close ties with Taiwan, which is its former colony but which Beijing regards as a rebel province, continue to anger the Chinese, who fear that Taiwan could be defended under the terms of a defence agreement between Japan and the US.

A Japan-American missile defence umbrella, which has been mooted, would also undermine China's strategy, which is built on effective missiles as a main defence weapon because the Chinese Navy is regarded as weak.

In meetings today with Keizo Obuchi, the Prime Minister, Mr Jiang will press Japan for a promise that Tokyo will not back Taiwanese independence or a one-China, one-Taiwan policy and that it will not help the island to join the United Nations or other international organisations that require statehood of their members.



Pat Rousseau, the West Indies Cricket Board president, who was held up with his wife by gunmen

West Indies cricket chief robbed on Soweto visit

FROM RAY KENNEDY IN JOHANNESBURG

THE president of the West Indies Cricket Board and his wife were held up at gunpoint yesterday by a gang of men who hijacked their car in Soweto township outside Johannesburg, less than 24 hours after their arrival in South Africa. The couple were unhurt but left badly shaken on the eve of the first Test in a five-match series beginning in Johannesburg today between South Africa and the West Indies, making their first official tour of the country.

Pat and Esther Rousseau, accompanied by a South African cricket official and a West Indian cricket writer, drove to the township to look at facilities for young black cricketers. They were walking back to their car outside the Soweto Oval, where Brian Lara's side played their first tour game two weeks ago, when three young men confronted them with pistols.

Mr Rousseau said: "They forced us to lie on the ground and went through our pockets and ripped off our watches. They snatched my wife's handbag which contained our documents and credit cards as well as cash." The gunmen then jumped into the car and sped off.

According to police statistics given to parliament earlier this month, there were 1,198 cases of car hijacking in the Johannesburg area between January and June this year, an increase of 113 per cent over the previous six months.

Dr Ali Bacher, managing director of the United Cricket Board of South Africa, said: "Naturally, Mr Rousseau and his wife are very distressed, but his enthusiasm for the tour has in no way diminished."

Doctors at the Chris Hani Baragwanath Hospital in Soweto plan to demonstrate today about the crime wave. Dr Mark Hobley said: "I was in the patients' reception area last week when a young man levelled a gun at me and robbed me of my cellphone and diary... some nursing staff and doctors have even been accosted at bedside while attending to patients."

Match preview, page 48

Britain could face lawsuit for PoW 'betrayal' in deal with Tokyo

FROM ROBERT WHYMANT IN TOKYO

FORMER POWs of the Japanese may turn their fire against the British Government if a Tokyo court rejects their claim for compensation.

Martyn Day, a lawyer acting for British POWs and civilian internees, gave a warning yesterday of possible legal action against the Government for Britain's failure to fulfil its obligation to obtain proper compensation for their sufferings in Japanese prison camps.

Former prisoners who are gath-

ered in Japan, including Arthur Titherington, head of the Japan Labour Camp Survivors Association, last night met lawyers to discuss their next move if the Tokyo district court rejects their demand for an apology and £13,300 compensation for each detainee.

In recent months, Japanese courts hearing lawsuits brought by former sex slaves of the Imperial Army have upheld Japan's position that all compensation claims were settled at government level under the 1951 San Francisco peace agreements. "If the judgment goes

against us, we will almost certainly appeal," said Mr Day. But the POWs also planned to put the British Government in the dock for neglecting to take action to secure compensation nearly five decades ago.

Under the peace treaty with Japan, Britain's POWs received token sums amounting, in most cases, to little more than £70. Though the Blair Government has lent a sympathetic ear to the POWs, it adheres to the line of its predecessors that the veterans' claims cannot be pursued because Britain accepted final terms from Japan in the 1950s.

But earlier this year British POWs were angered to discover evidence of a deception hushed up for the past 43 years. Official records unearthed by the Association of British Civilian Internees show that the Foreign Office in 1955 advised against pressing for higher levels of compensation, though it was entitled to do so under a peace treaty provision.

The result was that the terms for British veterans were much worse than those obtained by nationals of some other countries.

Despite its legal entitlement, Britain made a decision to waive further

claims against Japan, but kept quiet to avoid political embarrassment. "No publicity should be given to this decision," said a Foreign Office memorandum dated September 19, 1955. "Successive governments purposely hid this information from us," said Keith Martin, a plaintiff representing civilian internees in the Tokyo lawsuit, and the man who dug out the documents in the Public Records Office.

Mr Day said the discovery of this British "betrayal" had reinforced the feeling that the POWs should pursue legal action against the British

Government. For more than three years, the plaintiffs had taken the view that "Japan caused the problem, so Japan should pay," he said. But the focus of anger had gradually changed.

"In the last few months in Britain there has been a great feeling of anger at being let down by successive governments, and by this (current) one, too."

Representatives of PoW groups are due to meet Derek Fatchett, the Foreign Office Minister, in January. "We'll be looking for serious government action," Mr Day said.



Titherington: testified on prison camp conditions

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Bonn resists call for extradition of rebel Kurd

FROM ROGER BOYES IN BONN

GERMANY, nervous that the Kurdish war for independence would spread to its soil, yesterday resisted pressure from the US and Italy to submit an extradition request for the rebel leader, Abdullah Ocalan.

Politicians see it as the first real test of courage for the Social Democratic-Green Government which has been more sympathetic than its predecessors towards Turkey.

Ankara softened its stance yesterday, suggesting that it would be ready to accept a trial of Mr Ocalan in Germany.



Italy's attitude to Ocalan's presence in the country, as seen by Ammer in the Austrian Wiener Zeitung

Ankara leadership falls in 'mafia' vote

Ankara: The Turkish Government was toppled yesterday by a parliamentary no-confidence vote that implicitly accused Mesut Yilmaz, the Prime Minister, of links with organised crime.

President Demirel is expected to ask him to stay on until a new administration can be formed. He had already announced his intention of finding a new government within three or four days and was

any or Italy. That move also added to the diplomatic pressure on Gerhard Schröder, the German Chancellor. "Ideally we want him to be prosecuted and punished in Turkey," said a Turkish spokesman. "But if this does not happen, he should be prosecuted under international law and punished in a third country such as Italy or Germany."

The Office for the Protection of the Constitution — the German equivalent of the Special Branch — said that if Italy extradited Mr Ocalan to Germany, it would be a "disgrace".

There was some confusion yesterday about what principle was at stake. Herr Klose's argument, articulating that of most of the Social Democratic Party, was that the Government had an obligation to protect its citizens and defend its national interests. "We have experienced that this group does not hesitate to resort to violence. And anyone who doesn't want that has to decide against seeking his extradition. Germany has to learn to stand up for its own interests."

However, some Green politicians pointed to the unlikelyhood of Mr Ocalan receiving a fair trial in Turkey, as well as the prospect of him being executed if found guilty. The German Prosecutors' Office — to the annoyance of the Government — said yesterday that the arrest warrant which accuses Mr Ocalan of ordering the murder of PKK defectors in the 1980s is supported by credible evidence. He is also accused of ordering arson attacks on 35 Turkish institutions in Germany.

□ Rome: The PKK was prepared to seek peace just as Eta had done in Spain and the IRA in Northern Ireland. Mr Ocalan declared yesterday in a statement. He made a peace proposal, based on the creation of a Kurdish state that would "not breach Turkey's territorial integrity". (AFP)

Tax row widens rift in SPD

FROM ANTHONY GRANT IN BERLIN

THE first meeting in Berlin of Gerhard Schröder's Cabinet was overshadowed yesterday by a power struggle over economic policy that has erupted between the reformists among the ruling Social Democrats and leftwingers represented by Germany's increasingly

controversial Finance Minister, Oskar Lafontaine.

The government spokesman, Uwe Karsten Heye, insisted that the Chancellor would not back down on his plans to lower the four million unemployment rate by waiving income tax for the estimated six million who do low-paid so-called "DM 620" part-time jobs.

His announcement was expected to anger still further the majority of Social Democrat (SPD) Prime Ministers in charge of the 16 federal states who have complained that the plan will deprive them of badly needed revenue. They have been backed by Herr Lafontaine, who is opposed to the existence of low-paid jobs for ideological reasons.

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Paris has a fresh look at The Kiss

FROM BEN MACINTYRE IN PARIS

A BRONZE cast of Auguste Rodin's famous statue, *The Kiss*, which was stolen by the Nazis and never reclaimed after the Second World War, was put on permanent display in the Tuileries Gardens in Paris yesterday in the hope that its owners might come forward.

The cast, one of several by the artist, has been out of the public eye for at least three decades. It was initially kept in a storeroom before being transferred to the private back garden of the Hôtel Mâtignon, the residence of the French Prime Minister.

The Kiss is one of 20 statues on show in the Tuileries — the gardens designed by Le Nôtre in the 17th century — under a Culture Ministry plan to promote modern sculpture.

Lionel Jospin, the Prime Minister, "believes displaying the statue in a prominent place increases the chances that it will be claimed by its rightful owners or their heirs", said Alain Kirili, the French sculptor behind the Tuileries Sculpture Project.

Thousands of works of art pillaged by the Nazis were never reclaimed after the war, in many cases because their Jewish owners died in the gas chambers.

Rodin's *The Kiss* is number 25 on the French list of 2,000 unclaimed artworks.



Rodin's bronze cast of *The Kiss*, which will be displayed in the Tuileries Gardens

Pimping defendant 'is a sex maniac'

BY BEN MACINTYRE

THE Paris trial of four people accused of organising a high-class prostitution network closed yesterday, after prosecutors demanded a six-year sentence for the alleged leader.

"You are a sex maniac. It is you who let this get out of hand," prosecutor Pascal Le Fur told Jean-Pierre Bourgeois, the soft-porn photographer accused of luring young women into the call-girl ring.

M. Bourgeois, 51, allegedly recruited 89 women, some of them minors, into the prostitution network catering for wealthy international businessmen and figures from the entertainment industry.

M. Le Fur asked for lesser sentences against Nazih al-Ladki, a Lebanese businessman and former secretary to the Saudi Royal Family, and two Swedish citizens who allegedly played roles as middle-men. M. Bourgeois has denied pimping, but prosecutors said that he specifically targeted "naive young girls" and lured them by implying that he could arrange careers for them in modelling or acting.

M. Le Fur described the women as victims of what he called the "Claudia Schiffer syndrome". The prosecutor said: "When Bourgeois managed to get a young woman he had met in the street back to his home, it was primarily with the idea of having sex." A verdict will be delivered on January 6.

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Good news for palsy sufferers



Dr Thomas Stuttford reports on Parkinson's disease; arthritis; pre-eclampsia; flu jabs; and new drugs for Alzheimer's

As Dr James Parkinson sat in his Horton surgery in the East End of London, his attention must have strayed from the patients consulting him and was attracted instead to the gait of an elderly man who regularly walked past his window. The unknown man had all the signs and symptoms of the "shaking palsy" which Dr Parkinson was to write up in a now famous pamphlet in 1817.

The shaking palsy, now known as Parkinson's disease, affects one in a thousand people, although, in the elderly, one in 200 has some signs of it. It is more common in men than women; it strikes all ethnic groups, but is found less frequently in the Chinese and Japanese. Despite the importance of Parkinson's disease (it is estimated that there are 120,000 people with it in the UK and four million in the world) poor Dr Parkinson is remembered only by the disease he named and he doesn't warrant a mention in the *Dictionary of National Biography*.

The classic signs of Parkinson's disease are a slow shake, rigidity in the joints and a slowness of all muscular movements. Additionally, the patients develop a characteristic shuffling walk which in its advanced stages is of a very uneven pace. Many patients with Parkinson's disease become depressed. A smaller number suffer from an appreciable loss of intellect but the numbers who are affected in this way are fewer than would be supposed. The involvement of the facial muscles results in an expres-

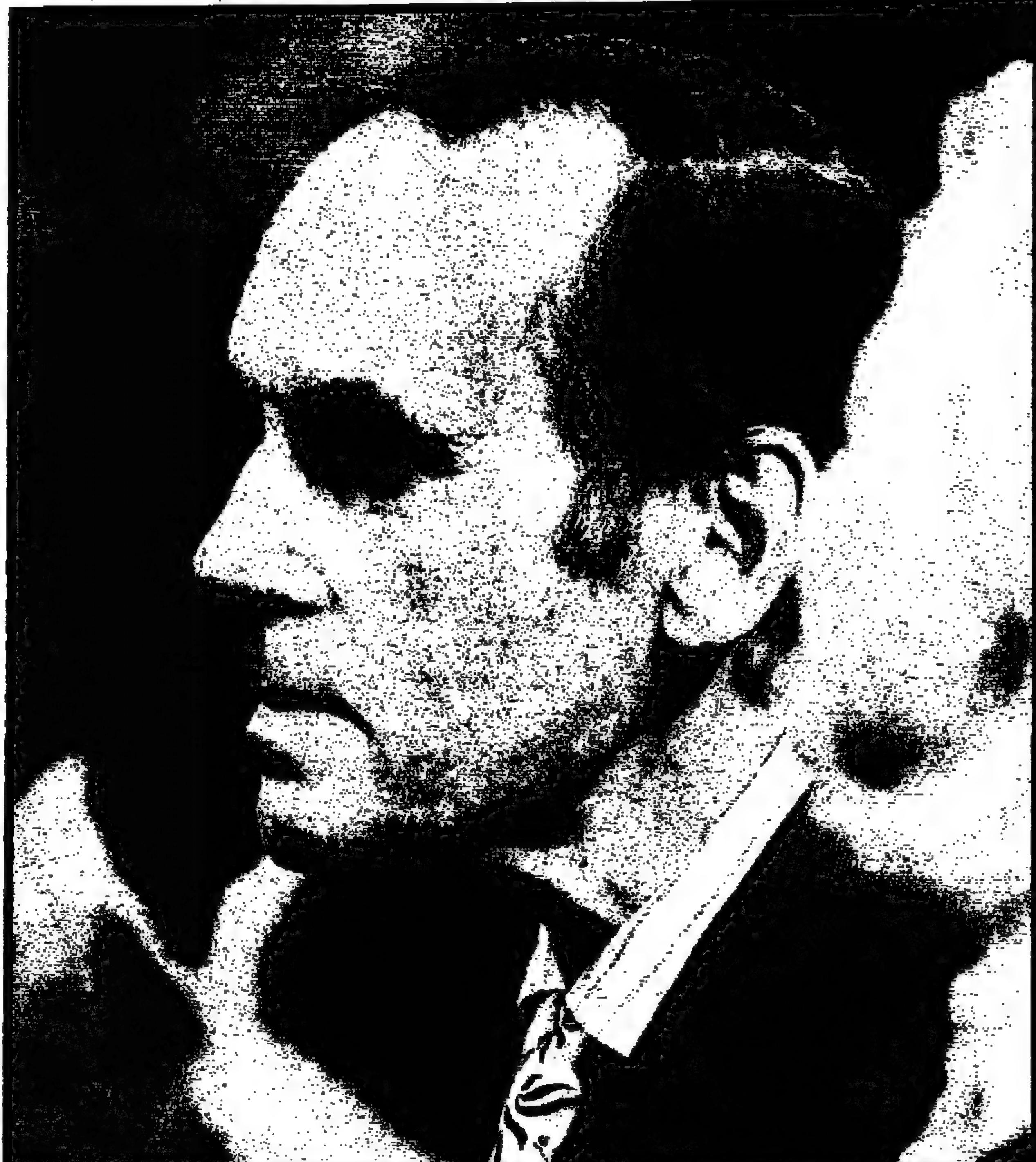
sionless face and a slow, unsmiling response which can give a false impression of impaired intelligence.

Whereas Dr Parkinson had to peer out of his window to study his case of the shaking palsy, we can all now see instances on television. The Pope has a classic slow shake, particularly of his right arm and hand, together with an impassive face. Billy Graham, at the other end of the religious spectrum, also suffers from Parkinson's, and when the late Enoch Powell broadcast in his later years he had the easily recognisable facial expression and voice of a sufferer.

It is impossible to predict accurately who will develop Parkinson's disease. It is not uncommon for patients to have had relatives who have also suffered from the disease, but there is no obvious pattern of inheritance.

Parkinson's disease is the result of degeneration of the nerve cells in the basal ganglia, a part of the brain. These nerve cells control the smoothness of muscular movements. The main neurotransmitter — chemical messenger — in the basal ganglia is dopamine. When the degenerative condition has resulted in a reduction of 80 per cent of the dopamine production, the patient develops the symptoms of Parkinson's disease.

Before treatment was available with levodopa, which is converted to dopamine, the outlook for patients was very poor. Its introduction has revolutionised life for patients with Parkinson's as it treats all three of the main symptoms. Levodopa is usually given combined with a decarboxylase inhibitor, which improves its availability to the brain cells. Treatment starts when the symptoms interfere with the patient's lifestyle. The usefulness of levodopa, which is sometimes held in reserve, wears off after a few years, particularly as its side-effects tend to become more obvious with the passage of time. Fortunately, there are a variety of other drugs available.



The former Liberal leader Jeremy Thorpe, who has Parkinson's disease, at the Liberal Democrat Conference in September

in 1996 two new dopamine agonists, Requip (ropinirole) and Cabaser (cabergoline) were launched. These stimulate parts of the brain where dopamine works. Sometimes they are taken alone but in other cases may be used in conjunction with levodopa. Ropinirole may be used either in people with quite mild Parkinson's disease or in those who have had it for some time. Cabergoline is taken in tablet

form with food, it doesn't react adversely with other drugs and is used in conjunction with levodopa. It is not given at the same time as other dopamine agonists. Its longer duration than other dopamine agonists and once-daily administration make it a valuable addition to the armory.

Selegiline has been used together with levodopa for many years but there has been some anxiety that it may increase

mortality. Recently a preparation, Zelapar, has been introduced which, it is hoped, overcomes any adverse effects on the cardiovascular system. It melts quickly on the tongue so that the active drug is absorbed through the mouth. This enables the dose to be cut by seven-eighths and at the same time avoids the problems of pill-swallowing, sometimes difficult for patients with Parkinson's disease.

form with food, it doesn't react adversely with other drugs and is used in conjunction with levodopa. It is not given at the same time as other dopamine agonists. Its longer duration than other dopamine agonists and once-daily administration make it a valuable addition to the armory.

How to get the arthritic mix right

TWENTY million prescriptions are issued annually in the UK to treat inflammatory conditions, usually but not exclusively, diseases associated with different types of arthritis. Inevitably those patients who are likely to have painful, swollen arthritic joints will also be elderly, and not surprisingly nearly half of these drugs are for those over 65.

A large variety of anti-inflammatory drugs, such as Brufen, Nurofen (ibuprofen), Feldene (piroxicam), Voltarol (diclofenac), for instance, are available and are invaluable weapons in modern medical practice. Without them there would be untold misery for those whose sleep is ruined as the pain from inflamed joints wakes them, and makes many day-time occupations impossible.

The NSAIDs (non-steroidal anti-inflammatory drugs) are very sharp, double-edged therapeutic weapons. Most of the 20 million prescriptions achieve their objective, the 24-hour relief of pain, but 12,000 of these prescriptions bring disaster to patients. These are the people who need admission to hospital as the result of severe gastrointestinal bleeding, or who collapse from a perforated ulcer. In 2,000 cases the patients die. Those who succumb are usually elderly, or have had pre-existing gastrointestinal or cardiovascular disease, but these complications can afflict all age groups. Calamity can strike without warning. Someone may have taken an NSAID for years safely before suddenly having a bleed from their stomach or intestine.

The search has been on to find a way of achieving the advantages of the anti-inflammatory drugs without their dangers. The mixing of diclofenac (Voltarol) with

an ingredient to protect the gut wall — misoprostol — has reduced the incidence of gastrointestinal side-effects but not eliminated them. Another approach has been to look for a drug that will inhibit COX 2, but leave COX 1 uninhibited. COX 2 is an enzyme which produces the prostaglandins that lead to pain and inflammation and make the joints so agonising. Conversely, COX 1 makes the prostaglandins that protect the gastrointestinal system and helps to maintain a normal kidney function and healthy platelets — small particles in the blood essential for clotting.

At a recent meeting of American rheumatologists the results of trials of a new anti-rheumatic drug, Celebrex (celecoxib), were reported. It is a COX 2 inhibitor which leaves COX 1 enzymes unaffected. The trials involved more than 14,000 patients between the ages of 16 and 90. Celebrex inhibits the action of COX 2 but spares COX 1. In this way the joint pain was relieved but the lining of the gastrointestinal system was left with its protective COX 1 enzymes. Celebrex was as effective in relieving pain in arthritis as two of the more commonly prescribed non-steroidal anti-inflammatory drugs but had a very much safer side-effect profile, similar to that of a placebo. It was found that when Celebrex was compared to one of the most powerful and most often prescribed NSAID drugs, the incidence of gastrointestinal symptoms was 33 per cent higher in those taking the long-standing preparation. The number of Celebrex-takers suffering ulceration was four times lower. Celebrex is likely to be available in America in January, later in the year in Europe.

In all age groups calamity can strike without warning

Why mothers-to-be need to check their blood pressure

EVERY three years the Government issues a publication on the results of its confidential inquiries into death as a result of pregnancy or childbearing. The charity Apoc (Action on Pre-Eclampsia) has expressed concern because the death rate from pre-eclampsia was the same from 1994 to 1996 as it was from 1991 to 93. In each period 20 women in the UK died.

Pre-eclampsia, known as pre-eclamptic toxæmia (Pet) when I was a junior hospital doctor, affects about one pregnancy in ten. It creates problems with the mother's circulation, so that the blood pressure rises and protein appears in the urine. Usually it becomes manifest in the second half of a pregnancy, but it can appear immediately after the baby is



Pre-eclampsia causes babies to be smaller than usual

born. Not only is the mother at risk of having actual eclampsia — a possibly fatal fit — but pre-eclampsia restricts the birth of the baby. Every year it

is thought to contribute to the deaths of 500 to 600 babies, and many others are born smaller than they should be. One reason why antenatal checks are so important is to detect pre-eclampsia. Boring as they may seem, any changes in the blood pressure, or in the urine, may be detected so that signs of pre-eclampsia are not missed, misdiagnosed or taken insufficiently seriously. If pre-eclampsia is detected, the mother can be referred to a maternity unit where an experienced consultant's advice is available. Isabel Walker, the director of Apoc, says: "It is not uncommon for pre-eclampsia to be missed, sometimes with devastating consequences. Meanwhile, many health authorities are engaged in reducing the overall checks offered to women during pregnancy, thereby increasing the likelihood of inadequately treated pre-eclampsia."

At risk? Have a flu jab

HELP the Aged reports that the number of people coming forward for their flu jab is considerably down this year on previous years. It describes take-up of the injection, offered free under present policies to all those aged over 75, as "alarmingly low". The belief is that the relatively mild autumn has discouraged people from coming forward. If harder weather coincided with a flu epidemic, the over-75s could be especially vulnerable. Government policy is to persuade all those aged over 75, together with those who have lung, heart or kidney disease, diabetes or weakened immune systems, and those who live in residential and care homes, to have annual immunisation.

Another possible reason advanced for the relative failure of the flu vaccination campaign is that general practitioners, confident in the benefit of the injection, are tending to offer it to all and sundry rather than targeting patients who are most at risk. It won't induce an attack of flu, although it may make a small number of people feel slightly unwell for a day or so.

Controlling aggression

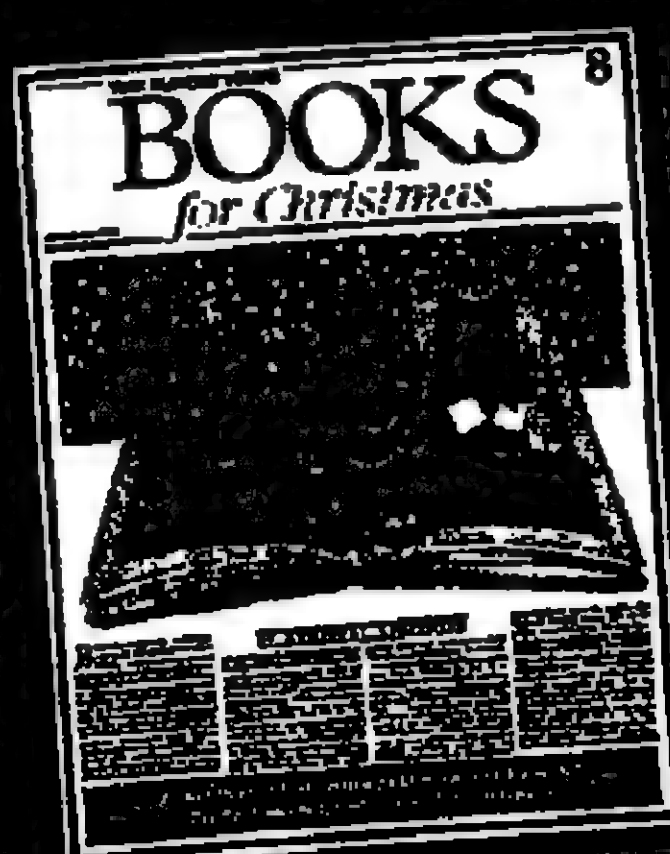
THOSE who care for many patients with advanced Alzheimer's disease and other forms of dementia can take comfort from the knowledge that the agitation and uneasy temper of those with these degenerative diseases are prompted by confusion. Few people could remain at peace with the world if they had little idea where they were, who was looking after them and why they were being asked to do whatever those nursing them demanded.

Sedatives can make the situation worse: sometimes a previously aggressive patient becomes amenable once some drugs have been withdrawn. Among the sedative prepara-

tions that have caused aggression are the older antipsychotic drugs. Recently, atypical anti-psychotic drugs have been introduced that have far fewer side-effects than the old-style versions. Some 60 per cent of dementia patients with behavioural and psychological symptoms — including aggression, screaming attacks, wandering, delusions and hallucinations — need residential care. Two recent double-blind, multicentre placebo-controlled trials of an atypical neuroleptic, Risperdal (risperidone), have shown that those treated with it had significantly fewer problems from aggression than did those on a placebo. Risperdal was prescribed in low doses, 1mg a day, and didn't seem to impair the patient's ability, such as it was, to think and reason, nor did it often cause any sedation.

THE SUNDAY TIMES

Yasmin Mills, pictured, reveals how society girls and pop stars are managing to party when pregnant in a very glamorous way. Style, this Sunday



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The right ruling for humanity

Michael Byers applauds the victory of people over Pinochet

Yesterday was General Pinochet's 83rd birthday. But it was also a birthday for international human rights. 1998 is the 50th anniversary of the Universal Declaration of Human Rights. Adopted by the United Nations General Assembly, the declaration details the obligations owed to individuals by states and state officials under international law. However, the declaration, and subsequent international human rights treaties, failed to provide any effective, generally available enforcement mechanisms. This meant many victims of serious human rights abuses were left with little more than empty words — weak protection in the face of military dictators.

Yesterday's House of Lords judgment is of fundamental importance. It signals that the most basic human rights are enforceable anywhere, on behalf of any victim, against anyone. The judgment thus represents a sea-change for the international legal order. During the past 50 years our conception of the character of the international community — its members, their interests and rights — has been transformed. The British Government has recognised this transformation. In 1988 it adopted legislation which allows those who commit torture abroad to be prosecuted in the United Kingdom or extradited elsewhere. This past summer in Rome it strongly supported the creation of an International Criminal Court. Consistent with these developments in international and national law, the Lords has sent a signal to other national courts that they should play their part in enforcing the most fundamental of human rights — through assertions of universal jurisdiction.

State immunity had, until recently, presented a seemingly insurmountable barrier to the effective enforcement of human rights by national courts. Under conceptions of international law which had existed for centuries, the idea that a former sovereign might be hauled up before the courts of another state and held to account for gross violations of human rights was almost inconceivable. Since the worst violations of human rights are often committed, or at least permitted, by heads of states, this had serious consequences for authorities charged with enforcing international criminal law. It also had serious consequences for victims seeking civil redress.

According to the traditional view of international law, the only relevant international actors were states. They were sovereign. And they were (theoretically, at least) equal. It followed that one state could not be impugned before the courts of another. And, inexorably, that a head of state, or a former head of state, was entitled to claim absolute immunity from the jurisdiction of national courts, whether in

criminal or civil process. It was upon this archaic vision that General Pinochet relied and prevailed in the divisional court.

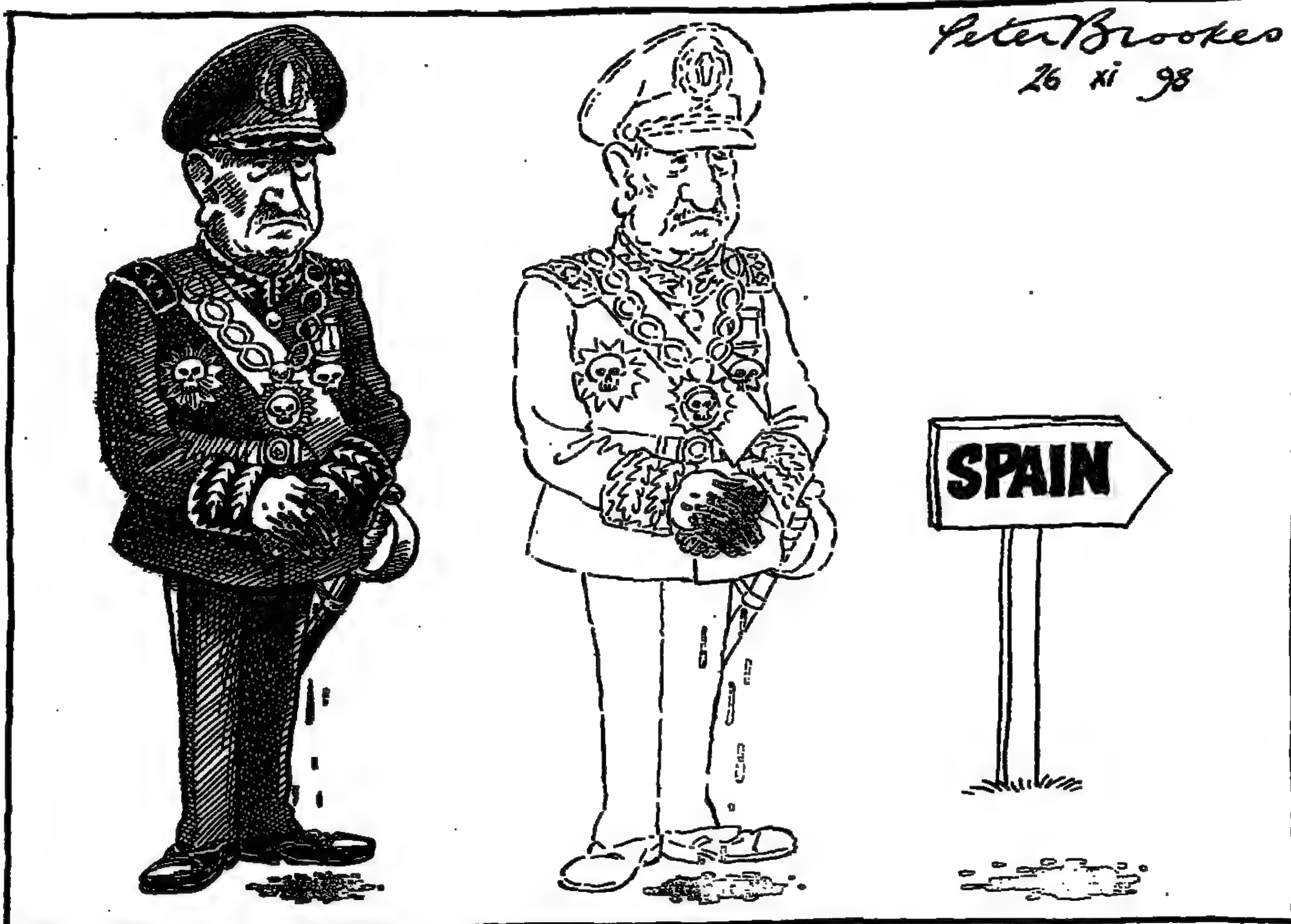
Traditional international law has changed profoundly since the Second World War. An alternative view has evolved which posits that the international community comprises not only states but other individuals, peoples, non-governmental organisations, corporations and so on. These have emerged as international actors engaged in international discourse. And in some areas, they have been granted important rights.

But the new view of international law now goes a crucial step further: it indicates that individuals would be able to enforce their rights, even against states and state officials. This was clearly established by the Nuremberg Tribunal, set up to try alleged war criminals after the Second World War. International human rights commissions and courts have been established to receive claims from individuals directly, in Europe, the Americas, Africa, and at the global level. And last July states adopted the Statute for a Permanent International Criminal Court with jurisdiction over war crimes and crimes against humanity. This expressly provides that heads of state have no immunity in respect of crimes under international law.

The proceedings in the Pinochet case posed in the most direct terms the conflict between these two competing visions of international legal order: on the one hand, the international law of the past whereby a head of state could do what he wished and rely on the fact that he was immune before the courts; on the other hand, the international law of today and tomorrow in which a former head of state is not immune from claims brought by, or in relation to, wrongs perpetrated on innocent victims.

The majority judgment of the House of Lords represents a defining moment. There was no direct precedent for it in the national court judgments of other states. No other national court had taken the important step of enforcing existing international human rights law in this way. The authority of the Lords gives the ruling — and its implications — great weight. Former heads of state, if they have committed heinous crimes, are responsible for those crimes and may be prosecuted anywhere. Present and future heads of state will think twice before they, too, commit such crimes. As a result the decision of the House of Lords is not only a victory for the victims of General Pinochet's alleged crimes. It is a victory for all human beings everywhere.

Dr Byers is an international lawyer and fellow of Jesus College, Oxford.



THE DISAPPEARED

Reversal of fortunes

Forget recession, economic 'melt-up' is more likely, at least for a while

The "melt-up" in world financial markets discussed as a distinct possibility in these columns since the middle of last month, has well and truly happened. While businessmen, politicians and financial analysts have been grinning preparing the world for the end of global capitalism as we know it, stock markets from Wall Street to Warsaw and from Buenos Aires to Bangkok have enjoyed their best monthly gains for 20 years.

In America which, as always, has led the global swings in economic fashion, share prices have surpassed their summer records, economic growth has been revised sharply upwards and consumer confidence has recovered completely from its summer slump. But even in Britain there has been a remarkable change in sentiment since early October, when world financial markets abruptly turned around. London share prices have bounced back to within 5 per cent of the all-time peak they hit on July 21. And, as in America, consumer confidence has begun to revive with the markets. The monthly survey of consumer opinion published on Saturday by the European Commission and the market research firm GfK showed buying intentions for major appliances and other "big-ticket" items stronger than they were at the height of last year's building society windfall frenzy. Consumers' confidence about their personal financial prospects was also at its best level for eight years.

This extraordinary reversal raises many complex questions. The most important is whether the rebound reflects a genuine improvement in world economic prospects. Or could it be counter-productive if it deters the US Federal Reserve and the Bank of England from the policy of vigorous expansionary action that has been largely responsible for the global revival in financial confidence? I will touch on this subject at the end, but I want to focus on a more obvious question: is this stock-market recovery just a flash in the pan?

Obviously I do not know the answer, but experience suggests that, at times like this, social psychology is rather than the other way round. He believes this "theory of reflexivity" has been at the root of his success. Looking at the year ahead, a possible reflexive interaction between

corporate profits — stock markets have arguably been overvalued for two years. In December 1996 Alan Greenspan, the Federal Reserve Chairman, issued his famous warning against "irrational exuberance"; since then, the main stock market indices in America, Britain and continental Europe have all risen by about 50 per cent.

Stock market prices do not just reflect today's economic conditions, but also investors' opinions about how conditions could change and how other investors could react to such changes. As a result, it is not just possible, but very probable, that stock market prices will remain for years out of line with the fundamentals. And it is likely that, once financial markets establish enough upward momentum, they will follow the upward trends for far longer than most fundamental analysts expect.

One reason why trends can persist much longer than expected by conventional forecasts is that the economic fundamentals can change to fit in with market psychology, not the other way round. For example, if stock markets remain continuously bullish, this can encourage higher business investment, faster economic growth, lower unemployment and perhaps even lower wage demands than predicted by conventional economic models. As a result, profits will also rise faster than predicted, interest rates and inflation will remain low and the stock market's optimism may be vindicated. This has, in part, been the story of the American economic miracle of the 1990s. George Soros, probably the most famous financial investor, has built an entire economic and political philosophy around the recognition that reality can adapt to expectations rather than the other way round. He believes this "theory of reflexivity" has been at the root of his success. Looking at the year ahead, a possible reflexive interaction between

Anatole Kaletsky

predict the future by studying charts showing the past movement of market prices. They are dismissed by many economists as financial witchdoctors. But if financial markets are recognised as social institutions that reflect collective psychology, and not merely as inanimate economic forecasting mechanisms, there is nothing irrational about the chartists' approach. Mr Marber prides himself on never reading the economic news and never trying to anticipate events that are not already reflected in the charts of market prices. His slogan is that "thinking causes the big losses". Mr Marber declared in the summer, just before the Russian default, that the charts for world equity markets pointed to a serious bear market. Then, in mid-October, he abruptly (and correctly) changed his mind. He recognised that, instead of falling as expected, the markets had embarked on a powerful upward thrust. When asked by his clients whether his anticipated bear market had suddenly turned into a bull

market, his reply was characteristically blunt: "My job is not to call the market names but to call its direction — and all the indicators are now pointing up." Mr Marber's current view is that all trends in the main equity markets around the world are still up. But, like all chartists, trend-followers and believers in reflexivity, he reserves the right to change his mind abruptly.

Where does all this leave lesser mortals trying to decide whether to invest their nest-egg? And what does it mean for central bankers trying to decide whether to add some more monetary fuel to the world economic recovery, or to snuff out the irrational exuberance in stock markets before it gets out of hand?

My personal view is that American and European stock markets will turn sharply downwards again at some point in the next 12 months, since current valuations are too high to be sustained indefinitely, even on the most bullish assumptions about world economic growth. But respect for the trend-following nature of financial markets also suggests that, if Wall Street manages substantially to exceed its summer peak in the next few days, global prices could rise considerably further before they begin to decline. The generally sound condition of the world economy suggests that the down trend, when it finally takes hold, will not cause a world economic collapse or trigger a 1929-style panic. It will represent a typical market cycle, driven by the normal ebbs and flows between greed and fear.

And how, finally, will the central banks react if the melt-up continues? Will the sudden revival of financial confidence prevent them from continuing to cut interest rates? My guess is that the Bank of England, at least, will continue to cut interest rates as long as there is any danger of a serious slowdown. Most central bankers are justifiably suspicious of the stock market as a mechanism for short-term economic forecasts. They see no signs of inflation on the horizon. They believe that their job is to stabilise the real economy of inflation, growth and jobs. It is not to protect financial investors from their own exuberance and despondency — irrational or otherwise.

I'm the man for the job

Magnus Linklater on the rigours of the campaign trail

I am on the campaign trail. None of your unelected hereditary nonsense for me. I'm running for election and I'm running hard. Later today, the students of Aberdeen vote to elect their Rector and I'm on the ballot paper — a rather late and surprised entrant, but ready to give it my best shot.

Last night I was out on the campus, distributing leaflets, pressing the flesh, using that special pressure of the hand (Margaret Thatcher, circa 1983), the locker-room elbow squeeze (Neil Kinnock 1992), and the frank, regular-guy grin (Tony Blair 1997). I'm fighting on the issues of course. But, look, if the other guys start slinging mud, it's only natural that I should give as good as I get. OK? This, after all, is politics.

Formidable is the only way to describe my principal opponent — Ms Clarissa Dickson-Wright, one of the *Two Fat Ladies*, as seen on TV. She carries weight, she is far more famous than me, and she can bake a cake. Indeed she already has done. Her opening gambit was to bake a cake for the students, right there in front of them. Apparently it was delicious. This was a setback all right, rather like losing the New Hampshire primary. I've consulted the *Saatchi and Saatchi* manual, but they have no advice on how to come back from this, and my team think that rustling up one of my mushroom omelettes is not going to help. Instead, I've decided to turn it on its head in an Alastair Campbell-style coup, and borrow as my campaign slogan the current Wonderbra ad, featuring a lightly-clad young lady saying: "Can't cook. Who cares?"

The rectorial post at Aberdeen is unique. It goes back to the 15th century, when King's College, Aberdeen, was founded, and it has been an elected post from the beginning. It is probably one of the oldest democratically chosen jobs in the country, and it ranks in seniority with that of the Chancellor and the Principal. The Rector actually chairs the university court, whose membership is determined by the Queen, so it is an extremely grand job — though not, alas, paid. Since the Rector's main function is to represent the students, this can lead to a conflict of interest, and from time to time the authorities have attempted to abolish the post altogether. Rather like the hereditary peers, however, its demise has been long foreshadowed and long postponed.

Since I was asked to stand by the university debating society, I intend to play the student card for all it is worth. As one of a generation of undergraduates which rarely needed to worry about loans, tuition fees or the financial hardship of modern universities, I find myself unequivocally on the side of today's hard-pressed students. My campaign will be an impassioned one. A government that pays lip-service to higher education, but is unwilling to pay for it, has abandoned civilised values — that's the kind of thing Aberdeen can expect. I will press for the abolition of tuition fees, the reinstatement of maintenance grants and, in the meantime, lobby the Government ferociously on the Dearing Report.

I have checked to see if there are any embarrassing skeletons in my cupboard, and apart from writing one column for this newspaper which suggests a little uncomfortable fencingsitting on the fees issue, I think I am clean. Unlike Bill Clinton, I would claim it is a definite plus in this situation to reveal that I did inhale. And I have not been near Clapham Common in years. We candidates, of course, live in fear of the Internet, which forgets nothing. However, if Ms Dickson-Wright uses it to dredge up evidence of any youthful indiscretions, I shall instruct my researchers to go through all her recipes. Two can play at that game.

What is a little more unnerving is to find that one of the two other candidates, a Major Eccles, is playing the local card, proclaiming that he will be permanently available to the students since he lives nearby, while the rest of us are simply carpetbaggers. I am working on something clever revolving around a "Major hazard", or possibly a play of words on Eccles Cakes, but so far the focus groups have been unresponsive on this. The last Rector, the late Allan McCartney MEP, was a Scottish nationalist, and the fourth candidate, Norman Allan, is also SNP, so that will have to be fed into strategy. But I think I shall remain determinedly non-party.

I have not yet decided whether to play the dynastic card. My father was Rector after the war, and I have looked up his acceptance speech, which he called *The Art of Adventure*. It is splendid stuff, with references to Bernard Shaw, Dante and Galileo, and a stirring reference to the role of the RAF Dambusters. But I fear it may be a little long for today's soundbite generation, running as it does to some 20 pages. I shall stick to punchier stuff. "New Chef, New Danger: 'Aberdeen's working, don't let Major ruin it' — that kind of thing. But sensitively done, you'll understand. Fairness is my middle name.

I'll have to dash now. The latest private poll findings have just come in, and believe me, they are very positive.

Palmed off

TONY BLAIR has a genetic abnormality. This is the conclusion of Britain's Chirological Society (founded 1889) which has been studying the PM's preaching hands. Experts have studied video "grabs" of Blair, waving his hands in the preachy mode that has been sent up so damagingly by Harry Enfield (below right), and noticed that he possesses a simian line on each hand. Only 25 per cent of male types possess this distinguishing feature, which indicates a decidedly odd streak. More than half of those who suffer from Down's Syndrome are born with simian lines on their hands.

Normal folk have two lines on their hands but Blair's merge together. It is a feature shared by drug addicts, mass murderers, scientific researchers and religious fanatics. The society is the national guardian of this knowledge after studying the palms of inmates of Parkhurst Prison. It contends that this indicates that Blair is zealous, obsessive, and has tremendous will-power. Even Baroness Thatcher, President Saddam Hussein and Michael Heseltine lacked this mark.

"I don't think anyone with it is normal," says Christopher Jones, society secretary. "Blair is not intellectually retarded but his emotions are subsumed into his intellectual orientation. He is on a mission. He is going to be very good or very bad. It's very unusual. He will change things radically."

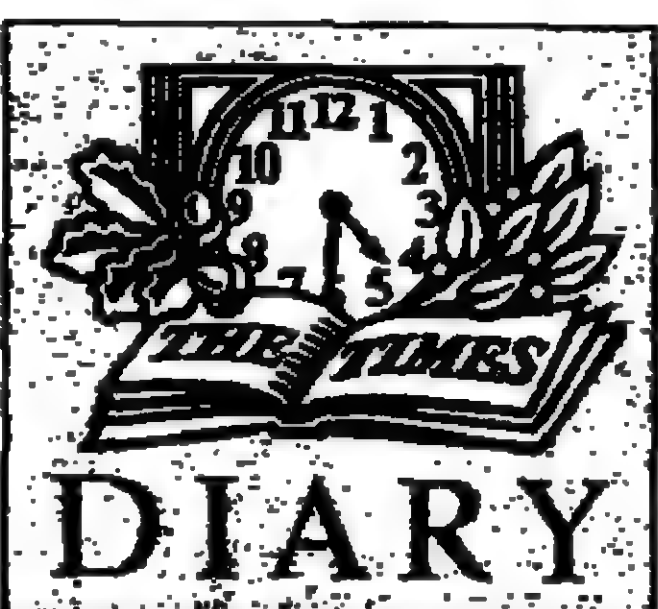


As for Sermon from St Albion's, its author Ian Hislop says: "Blair has much in common with vicars: very emphatic and demonstrative."

● LATEST artefact: 10,000 dried banana skins. "by" Shelley Sacks. "I found it hard to throw them away," she says, tripping over her own metaphorical banana skin.

Lotta bottle

DELIVERING the Budget was such an ordeal for Norman La-



embellisher. "A bottle wouldn't fit in Gladstone's red box."

● JOHN PRESCOTT made his debut in polite society at The Spectator lunch. "It's a Tory rag," he said. "I threw their invitation into the bin until they told me I'd won a prize." The Deputy PM heckled other Leftie winners.

Unsung hero

DAVID TRIMBLE says the real hero of the peace process is Bono of U2. "Even though they are Irish," cautions the Nobel prize-winner "they have been helpful behind the scenes." The handshake between Trimble and John Hume, engi-



neered by Bono, nearly destroyed the process. "I'm indebted to Bono for letting Hume know that a concert wasn't the venue for a speech. Once John starts talking..."

Price war

ON THE circuit with Lord Archer of Weston-super-Mare. Bidding began for a cartoon of the wannabe mayor. The organiser, Martin Lee, told a friend: "Tim (Waterstone) came over and said I don't want to meet that insufferable Archer. I just put in three bids for the (cartoon). He insisted it go for a higher price than any of his other cuttings. It's even suggested there were fingers in the crowd." To no avail: the cartoon raised £110.

● ARAB understatement. Easa Saleh al-Gurg, the UAE Ambassador, is publishing his autobiography, *The Wells of Memory*. Each page is edged in real gold leaf.

Hot Chilean

GERALD HOWARTH, the Tory MP, has experienced the passion of Chileans over General Pinochet. He appeared on *Powerhouse* with Dr Cristina Navarrete, a victim of the general. After listening to her tale of torture, he referred to her "alleged sufferings". She grew

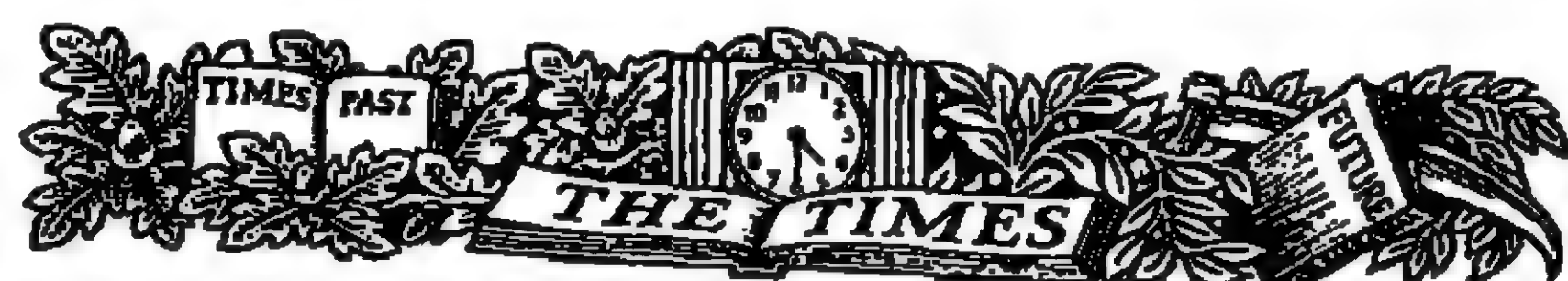


angry, and when they retired to the green room, she threatened to behead Howarth. But he complained that it was not worth getting wound up about.

● PRINCE EDWARD is set to take on Mick Jagger. The film *bod* is to interview the rock star about his extraordinary survival. Distressingly, questions about his personal life are inevitable. I hope this does not provoke an exchange about Carla Bruni (above), the Paris-based friend of Mr Jagger.

JASPER GERARD

هكذا من الأصل



PINOCHET'S LORDS

A ruling that could transform international law

Yesterday's ruling by the Lords of Appeal turned neither on General Pinochet's guilt nor innocence, nor even on whether he should in fact be extradited to Spain. The question before them was whether a former head of state should be entitled to immunity from arrest or extradition for acts committed when he was head of state. But what might, to a layman, seem a narrow point of law was nothing of the kind. They were in no doubt that they were laying down a landmark with enormous significance in international law.

The core questions are whether some "crimes against humanity" fall outside the protection of sovereign immunity; and what courts are entitled to sit in judgment. The decision, by three judges to two, that the general is not entitled to immunity was accompanied by detailed arguments that underline what a legal minefield had to be crossed. In rendering their opinions, four of the five judges — Lord Hoffmann contented himself with agreeing with Lord Nicholls of Birkenhead — ranged across a vast legal terrain and cited cases from many other national jurisdictions as well as leading authorities in international law.

The verdict is worryingly at odds with some of the most compelling of these. As Lord Slynn of Hadley observed, if the question were whether the grave crimes of which General Pinochet is accused "should be investigated by a Criminal Court in Chile or by an international tribunal, the answer, subject to the terms of any amnesty, would surely be yes" in either case. But that is not the issue here; it is whether Spanish national courts should have jurisdiction over crimes allegedly committed thousands of miles away, against the nationals of another country.

Without prejudging the extradition hearings which will now, barring intervention by the Home Secretary, begin on December 2, the Lords' answer is effectively yes. The precedent set is that crimes under international law can both override the doctrines of sovereign immunity, and that national courts can, in these cases, claim universality of jurisdiction. The majority dismissed the concern of Lord Lloyd of Berwick that "we are not an international court" and that, by hearing Spain's case for the general's extradition, an English court would in effect be pronouncing on the validity of the amnesty in Chile — against the will of the Chilean Government. This,

in his view, would "assert jurisdiction over the internal affairs of that state at the very time when the Supreme Court in Chile is itself performing the same task".

Much of the argument turned on the proper interpretation of English laws concerning the UN conventions on genocide, torture and hostage-taking. The Genocide Act, 1969, certainly provides for the prosecution of "constitutionally responsible rulers". But, leaving aside whether the persecution of opponents is in fact genocide, which we would dispute, the law provided for trial in the state where the acts were committed, or an "international penal tribunal"; but not in third-country courts. In the cases of torture, and hostage-taking, the obligations to prosecute or extradite are clearer, but the question of immunity of former heads of state is not.

Lord Steyn argued that, because the killing, torture and disappearances of victims in Chile took place in secret, they could no more be classified as conduct within the functions of a head of state than if a ruler had murdered his gardener, "it follows...that General Pinochet has no statutory immunity". This line of reasoning opens up more questions than it settles — and could logically render not only the P.W. Bothas of this world, but the government of virtually any country exposed to internal terrorism, vulnerable to prosecution. Spain's own treatment of the Franco years, on which its courts have been notably silent, would be open to challenge in other countries.

Ministerial protestations to the contrary notwithstanding, the Pinochet case has had a political dimension ever since the first arrest warrant was issued. That warrant, it emerges, was legally unsound, but this is now academic. The case is even more politically charged now, and the Home Secretary's leeway to exercise his discretion as to whether to let the General to go home or to leave extradition proceedings to take their course has, in practice, narrowed. But that is not the only matter demanding his attention. The Law Lords are divided on vital matters such as the justiciability of cases of this kind. There is legal disagreement as to the intentions of Parliament with respect to the treatment of international crimes by this country's courts. Because this ruling could open the floodgates to human rights prosecutions, these intentions must with great urgency be clarified.

DEADLINE POLITICS

The SDLP should support Trimble not Sinn Fein

Seamus Mallon, Northern Ireland's Deputy First Minister, insisted that he "did not want to talk of crisis": but he immediately noted that "the potential for this whole experiment to crack up is much greater than people realise". Gerry Adams similarly maintained that "people are reluctant to use the word crisis": but unless the Ulster Unionists retreat, "the position just becomes untenable". With Bertie Aherne, the Irish Prime Minister, asserting on Tuesday that it would be "entirely unreasonable" if the continued dispute over terrorist arms blocked all other avenues of political progress, David Trimble must sense that a pan-nationalist coalition is searching for concessions.

The present impasse concerns the implementation of the Good Friday agreement. That document relied upon ambiguity to ensure the broadest consensus. It was endorsed by 72 per cent of Northern Ireland's population precisely because it was open to multiple interpretation. The linkages between terrorist ceasefires and prisoner release, decommissioning and the composition of an Ulster executive, and the functions to be exercised by North-South institutions must now be hammered out. As Tony Blair has said in a different context, this is the "post-euphoria, pre-delivery" stage of proceedings.

If Mr Mallon and the SDLP are to be

believed, Mr Blair will be required to schedule several more visits to Belfast in the week ahead. The original timetable for the formation of an executive was missed at the end of October: with six months passed since the referendum, the Deputy First Minister argued that the accord could collapse if crucial decisions were not taken in the next ten days.

Mr Mallon's sense of urgency is legitimate. Deadlines are the very essence of Ulster politics — agreement has invariably proved impossible without them — and a similar moment is now imminent. His remarks, however, are directed at the wrong quarter. Mr Trimble is not the obstacle to a lasting settlement. The First Minister has made substantial moves towards the establishment of six cross-border bodies. As a result of his efforts these will be, as the Dublin Government has acknowledged, significant institutions.

That transition cannot take place while terrorists refuse to surrender the smallest portion of their arsenal. If the IRA were to show some sign of movement, in particular concerning their supply of Semtex, then Sinn Fein could soon enter the Northern Ireland executive. Mr Mallon and the SDLP should use their influence on Sinn Fein over the next ten days rather than press Mr Trimble for concessions that he cannot and should not deliver.

FOLLOW THE SOARAWAY SUN

Cornwall calls in vain for a Minister for the Eclipse

In a Commons debate yesterday Matthew Taylor, the Liberal Democrat MP for Truro and St Austell, predicted a national disaster on August 11. On that day millions of sun-worshippers are expected to flood down to the toe of Cornwall to observe the first total eclipse of the sun visible from Britain for 72 years.

There was huge public excitement last time, on June 29, 1927. That was the first total eclipse visible in the United Kingdom for 200 years. And millions who took the day off to see the portent were disappointed by the seasonal cloud cover. In the Twenties, when the Haggards rode the best seller lists, and before the Rudyard ceased from Kipling, readers found ripping romance in the sun darkened at noon.

Eclipse mania dates in an age that brings the wonders of nature into every house by television. The 100,000 hotels and guesthouses in Cornwall are fully booked. A Penzance company has applied for planning permission for 18 temporary campsites for sun-watchers. Cross-Channel ferries are booked out for the eclipse, with reserved seats on the sunbeams.

The mystery of eclipses is the oldest recorded phenomenon in literature. For, unlike other distant events, an eclipse can be retrospectively and precisely dated. The

earliest datable events in literature, from China and Babylon to the prophet Amos ("I will make the sun go down at noon, and darken the earth in broad daylight") concern eclipses. Odysseus returns to slay Penelope's suitors on a day when "the sun has perished out of heaven, and an evil mist has spread over all". Could that be a folk memory of the total solar eclipse visible from Ithaca on April 16, 1178BC?

But the fascination with eclipses is contemporary as well as atavistic. August's solar eclipse will be the only chance for those alive today to see one in Britain. In any case, the Cornish have their own ways of coping with grockles and erumets from up country. They say that the Devil will not come into Cornwall for fear of being put into a holdall party. The tailbacks on the A30 around Indian Queens are enough to put off any sun-worshipper. The prices for accommodation in Cornwall have trebled. Those who cannot stand the influx can do what the citizens of Edinburgh do during their Festival: take their own holidays. The Government turned down the proposal for a Minister of the Eclipse. Perhaps Sir Humphrey remembered the immediate floods that followed the appointment of a Minister for the Drought. Some laws of nature are above sun doctoring.

IVF treatment and sharing of eggs

From Dr Kamal Ahuja and Mr Eric Simons, FRCOG

Sir, Your excellent coverage (November 23) of the news on egg-sharing, whereby women undergoing *in-vitro* fertilisation (IVF) can donate half their eggs to help others, was sadly diminished by the inappropriate headline in your later editions: "Watchdog bans egg-sharing by test-tube parents". It is not yet the case that the procedure is disallowed in the UK, but it is a possibility we fear.

The Human Fertilisation and Embryology Association's disregard for the potential risks associated with IVF and an obsession with the control of monetary matters is not supported by IVF professionals or women receiving IVF treatment. Perhaps an announcement from the Cancer Research Campaign on Monday about a large study of the possible links between cancer and IVF might persuade the HFEA to take matters more seriously.

The HFEA's reference to the distress of a woman whose treatment did not succeed but whose donated eggs were successful in another woman runs counter to a large, recently published study which showed that donor women, successful or unsuccessful, are generally pleased at the prospect of their unknown recipient being successful.

It is a pity that such an important piece of information should have become so distorted. One of the more uncaring earlier statements by the HFEA to compare a free egg-sharing IVF cycle with "a safari in Africa". Official policies clouded in such superficiality should be a cause for concern for all of us.

Yours faithfully,
KAMAL AHUJA (Scientific Director),
ERIC SIMONS (Clinical Director),
Cromwell IVF and Fertility Centre,
Cromwell Hospital,
Cromwell Road, SW5 0TU,
November 25.

From Mr Hossam Abdalla, MRCOG

Sir, Egg donors can be benevolent volunteers who have had children or women undergoing IVF who decide to share some of their eggs in return for a free IVF attempt. The latter are not induced to donate eggs for financial gain: they need fertility treatment, but through lack of resources would not otherwise be able to have it.

Were the use of fertility drugs to cause ovarian cancer, all women who received them should be warned of the possibility; but the literature on the subject is conflicting. Even if we take the most pessimistic of these publications, benevolent donors are at lowest risk because most of those with children have often breast-fed them and are also likely to have used the contraceptive pill for family planning, factors known to reduce the risk of ovarian cancer.

Likewise, helping an egg-sharer to achieve her long-awaited child is likely to halve her risk of developing ovarian cancer. Egg donors therefore should not be prohibited for appropriately counselled and informed women. The need of infertile women to share their eggs will be reduced if provision for fertility services is increased, something about which the HFEA should strive to convince the Department of Health.

Yours sincerely,
SAM ABDALLA
(Director, IVF unit),
The Lister Hospital,
Chelsea Bridge Road, SW1W 8RH,
November 25.

From Professor Ian Craft, Director of the London Fertility Centre Ltd

Sir, I believe the HFEA is right to show major concern about infertile women donating their eggs to other infertile women in order to obtain subsidised, or free, treatment, especially if the infertile donors do not succeed with IVF and the recipients do. Surely it is this latter conflict which should concern us rather than whether the arrangement represents indirect payment for "services in kind".

The HFEA accepts that recipients of fertile volunteer donors' eggs are required to pay donors' expenses, which may exceed £1,000, provided reimbursements are not designated as payments. However, there is no certain mechanism for validating their authenticity and the HFEA does not police them.

Infertile women should not donate to the infertile, even for free treatment. If the chronic egg-donor shortage is to be rectified, fertile donors should be allowed an "inconvenience allowance" of up to, say, £500, covering all expenses, as my letter of October 22 on surrogacy suggested. This would encourage donor recruitment around fertility centres and reduce some excessive expenses claimed by some donors, especially when acting on more than one occasion.

We owe it to the infertile to improve the present unsatisfactory situation, not to make it worse. Yours faithfully,
IAN CRAFT,
Director,
London Fertility Centre Ltd,
Cosens House,
112a Harley Street, W1N 1AF,
November 25.

Letters for publication may be faxed to 0171-782 5046. e-mail to: letters@the-times.co.uk

LETTERS TO THE EDITOR

1 Pennington Street, London E1 9KN Telephone 0171-782 5000

The teaching of history in schools

From the Director of the United Nations Association of Great Britain and Northern Ireland

Sir, Your leading article on history and the core curriculum (November 23) rightly states that "British children who know nothing of Magna Carta... are cut off from their national heritage".

Happily, however, this area of ignorance is not widespread, as demonstrated in a recent poll by MORI, which showed that 75 per cent of people with secondary and further education have heard of the Magna Carta.

Conversely, less than half of adults (45 per cent) were aware of the Universal Declaration of Human Rights — a disappointing figure, considering that this is supposed to be the "decade for human rights education" and that the declaration has its 50th anniversary on December 10 this year.

The poll has shown that seven people out of ten in Britain agree there should be more human rights teaching in schools. David Blunkett and his colleagues will presumably take this figure into account when deciding subjects for the core curriculum.

Yours sincerely,
MALCOLM HARPER,
Director,
United Nations Association of Great Britain and Northern Ireland,
3 Whitehall Court, SW1A 2EL,
November 23.

From Mr Felix Heimer

Sir, Has it not been demonstrated, over and over, that for an objective comprehension of the subject, the teaching of history to young children is more or less impossible?

When I was kicked out of my mother country — Austria — at 11, I had had a highly coloured version of that country's glorious history conveyed to me. Then, in a junior technical school during the war, in England, I loved my history master more than any other, to the extent that I suffered with him for the dry and dusty way he felt conscience-bound to present his subject.

I reckon that he pumped for the only honest option: any emotive form

Women in power

From the Minister of State for Public Health

Sir, The idea that women have "little chance" of "getting their fingers on the handles of power" in the Labour Government (article, "Women in politics", November 24) is quite wrong.

The five women in the Cabinet, the most ever, could never be described as token. Margaret Beckett and Ann Taylor are charged with ensuring that one of the most extensive government programmes of modernisation and reform this century is delivered. To suggest that they, or Mo Mowlam, Margaret Jay or Clare Short, do not exert power at the heart of government is utter nonsense. Influence and authority extend beyond spending money.

Women are more strongly represented at all levels of government

Elected members

From the Archdeacon of York

Sir, Elections to the Lower House of the Church's Convocations have been by universal suffrage of the clergy since 1283, and it took many centuries for elections to the House of Commons to follow this good example.

In more recent years elections to the General Synod have been by single transferable vote in multi-member constituencies, which produces a proper representation of the varied views within the Church of England. It is a system that Parliament would do well to follow.

Both the Tory and Labour parties are similarly "broad church", with widely differing political beliefs of right and left in each party. Just as I can select from candidates views in synod elections, so I expect the human

VAT on art sales

From Professor Kenneth Minogue

Sir, Your report on the coming imposition of VAT on art sales (Business News, November 23) records that back in 1993 the Conservative Government negotiated a special rate of 2.5 per cent which would apply until a harmonising rise to 5 per cent would come into effect after June 1999.

It is clear that British ministers will abandon almost any British interest so long as they are given a "derogation" ensuring that the blow will not fall till they have moved elsewhere.

The cunning Ulysses, knowing the power of the Sirens, had himself lashed to the mast lest he should succumb to their seductive singing. It is not time that Parliament should instruct ministers that they must never agree to any policy which has been sweetened for its victims by the use of this devilish instrument which the Commission employs for subjecting the national interest?

Yours etc,
KENNETH MINOGUE,
43 Perryman Street, SW6 3 N,
November 24.

of presenting history is a mistake which can lead to highly undesirable consequences — to wit, nationalism in all sorts of guises.

Why can we not wait until young persons decide to make their own investigation and form their own views? The curiosity which is required to set this process in motion nearly always comes — spontaneously — sooner or later.

If our motives for our children are the very best (which, I have to admit, is what we all like to believe) then this is the right way.

Yours faithfully,
FELIX HEIMER,
353 Norton Road,
Stockton on Tees,
Cleveland TS20 2PH,
November 24.

From the Under-Secretary of State for School Standards

Sir, Your report, "Primary schools to bring back history" (November 23), states that compulsory lessons in history will "reappear" in junior schools when the national curriculum is revised in 2000, and that teaching of the subject is at present discretionary while schools implement the literacy and numeracy strategies.

In fact, all primary schools are required to teach history, as well as geography and the arts, whilst giving priority to the effective teaching of literacy and numeracy.

Your report also implies that secondary schools often neglect pre-20th century British history. In fact, secondary schools also teach a wide range of British history from 1066 to the present day — and this is rightly a part of the national curriculum.

We have made it clear that we expect history to continue to be a part of the national curriculum in both primary and secondary schools in the next century.

Yours sincerely,
CHARLES CLARKE,
Department for Education and Employment,
Sanctuary Buildings,
Great Smith Street,
Westminster, SW1P 3BT,
November 23.

today than ever before. Five Cabinet ministers, 22 ministers, including eight on the front bench in the Lords, and 101 Labour women MPs have brought a new face to government.

The Women's Unit, from its enhanced position in the Cabinet Office, is putting the concerns of women at the centre of government by exerting influence on all areas of policy as well as driving its own agenda on, amongst other things, teenage girls, women's incomes and violence.

This Government has done more for women, both in terms of its legislation and its public face, than any before. But it does not end there. We are committed to ensuring that we continue to deliver policies that are better for women and better for all.

Yours,
TESSA JOWELL,
Department of Health,
Richmond House,
79 Whitehall, SW1A 2NS,
November 24.

right to be able to cast my vote against parliamentary candidates of either the Tory Right or the militant Left.

I would agree that it is contrary to the democratic principle that the hereditary peers should obstruct the parliamentary process (letters, November 17, 18, 20, 21 and 24). But it would surely be equally contrary to that free process if either Tory or Labour could in the future impose upon the electorate lists composed entirely of one view within either party.

They may assure us that this would not happen, but no one, and especially not politicians, should be granted power which they could so easily abuse.

Yours,
GEORGE AUSTIN,
North Back House, Main Street,
Wheldrake, York YO19 6AC,
November 19.

Opera in concert

From Mr Nicholas Wright

Sir, Mr D. Goodall (letter, November 24) raises an interesting point when he compares concert with theatre performances of opera.

I have attended many concert performances and, in my experience, the lack of a production combined with a closeness to the singers and orchestra leads to a much greater concentration on the music, singers and story — silly though many of the plots are. Having a libretto or surtitles during the performance further enhances enjoyment and understanding.

In addition, having seen one full production of *Don Giovanni* tends to cloud my mind about other dramatic possibilities inherent in the story. There is a place for concert performances to enhance those sometimes very "safe" productions given by opera companies.

Yours faithfully,
NICHOLAS WRIGHT,
13 Post Lane,
Twickenham TW2 6NZ,
nick@dioceseurope.clara.net,
November 24.

Pagans rise where rural churches fail

From Mr Peter Horton

The Bishop of Lincoln is right to be concerned at the rise in paganism (report, November 20), but I believe he is wrong to lay the blame for it on the closure of rural churches. His concern would be better directed towards establishing why so many rural churches are having to close and why people are turning to paganism rather than the Church.

For generations the rural church of whatever denomination has been associated with the farming industry and wholesome, good custodianship of the countryside. In recent times individuals who would once have been members of rural congregations have become increasingly concerned by what they see as the poisoning of the countryside and pollution of foodstuffs by the farming industry.

When they have sought leadership and guidance on these and other environmental issues the Church has, in many cases, failed them. No wonder then that there is a growth of interest in the New Age and other esoteric philosophies. Paganism has become the obvious solution for many who seek a religious expression of their environmental concerns.

If the Church is to win the battle for souls in rural parishes it will once again have to become the "Church militant". Militant on environmental and social issues.

Yours faithfully,
PETER HORTON,
53 Copy Lane,
Caton, Lancashire LA2 9QD,
peter@horton.freemovers.com,
November 21.

From the Reverend Andrew P. de Berry

Sir, It is not quite clear from the Bishop of Lincoln's remarks whether he was using paganism as a generic term for godlessness, where secularism and money become the principal deities. However, practising pagans would, I feel, be justified in feeling affronted: the majority of them would assert that they are a force for good rather than for evil, having a reverence for life which many secularists disregard.

If the bishop is serious about halting the decline of Christianity and the closure of churches in rural England he must rethink the widespread practice of replacing the stipendiary clergy with non-paid volunteers, which cannot work in the long term. Recruitment of the paid clergy will never improve without a major review of clergy pay and their terms and conditions of service.

The Church of England cannot cast aspersions about paganism, however it defines it, until it thinks through the implications of its own Christian practices.

Yours,
ANDREW DE BERRY,
The Vicarage,
Southwell Road,
Thurgarton,
Nottinghamshire NG14 7GP,
November 20.

Post early?

From Mrs Hazel Bell

Sir, Each year we attempt to take advantage of the Post Office's advertised surface mail rates for sending Christmas cards abroad.

This year, following the PO advice, I posted cards for Australia and New Zealand by October 2, to the US and Canada by October 30, all with 31p stamps and no "airmail" stickers. As previously, we are already receiving mildly sarcastic "well, thanks, hadn't realised Christmas was so soon" messages from the startled recipients.

Is the deal offered really, "We'll do you a favour and deliver the cards cheaply if you'll do us one and let us deliver them a month or two early?"

Yours faithfully,
HAZEL BELL,
139 The Ryde,
Hatfield, Hertfordshire AL9 5DP,
November 20.

Silver surfers

From Mr Thomas Denne

Sir, Some of us silver surfers, who spend an average of ten hours a week on the Internet (report and leading article, November 18), may be driven as much by incompetence as by enthusiasm. I certainly waste an awful lot of time groping my way around the Web.

Yours faithfully,
THOMAS DENNE,
28 Barrack Lane,
Nottingham NG7 1AN,
thomas.denne@diamond.co.uk,
November 18.

From Mrs Pauline M. Atkins

Sir, This granny finds that spending ten hours a week on the keyboard helps to sustain and even improve one's waning powers of concentration, muscular co-ordination, aural attention, critical self-appraisal, finger dexterity and musical appreciation. The instrument in question is called a piano/forte.

Yours sincerely,
PAULINE M. ATKINS,
Goldbeck, Brough Sowerby,
Kirby Stephen, Cumbria CA17 4EG,
November 18.

مكتبة الأصل

PAUL LEYTON



Leyton: from rocket designer to snail breeder

Paul Leyton, DSC, rocket engineer, died on November 4 aged 84. He was born on June 1, 1914.

One of the leading figures in a British rocket building programme whose success in the late 1950s is now almost forgotten, Paul Leyton was Chief Rocket Development Engineer for the Black Knight project, the first British penetration of outer space. At that time, astonishing as it may seem these days, Britain was actually setting the pace against the United States, with the low budget Black Knight becoming the first rocket of any nation to make a successful flight on its first launch, which took place in September 1958.

At that juncture America, though it had had the immediate postwar advantage of the services of Dr Werner von Braun, and a series of complete V2 rockets obtained from Germany, was struggling with a succession of launch failures and post-launch crashes. With the Soviet Sputniks triumphantly orbiting the Earth, the United States actually dispatched a delegation of its aerospace chiefs to the United Kingdom to ask for British advice on rocket building and launching techniques. This now well-forgotten event is celebrated in a *Daily Mail* cartoon of September 9, 1958, which depicts the Prime Minister, Harold Macmillan, clad in armour and using

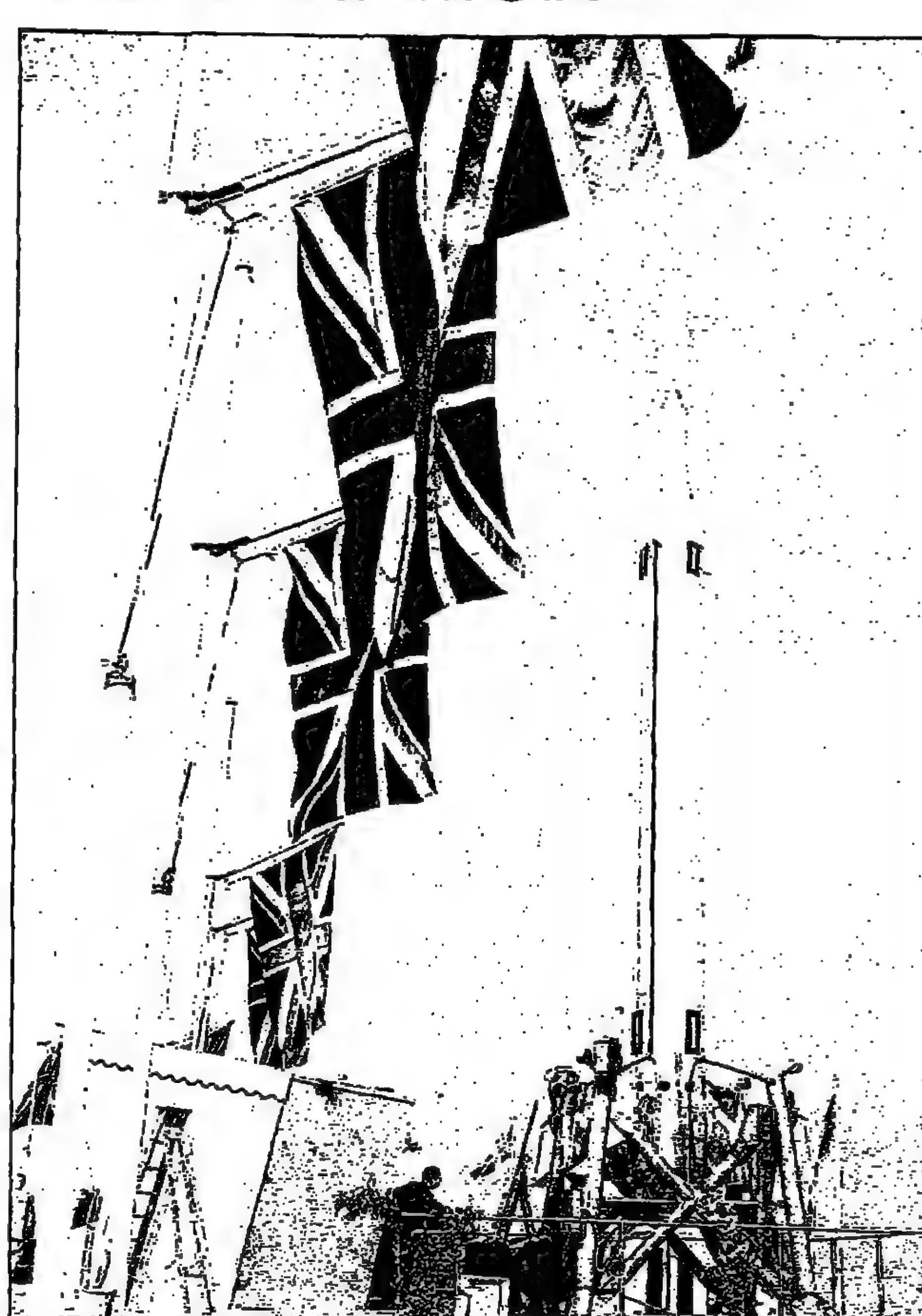
Black Knight as a lance, striding into a meeting between President Eisenhower, his Secretary of State, John Foster Dulles and a bevy of tough-looking chiefs of staff, to offer British help.

But in spite of this triumph the Government very soon went cold on the idea of Britain's becoming a major player in the space race, and Leyton resigned from his rocket post to go first into industry and thence to run a restaurant.

Paul Henry Leyton had a life of extraordinary variety which included service in both the RAF and the Royal Navy and spells in a number of completely different engineering concerns, as well as a period as a schoolmaster. He was born in Leeds, the son of a Wesleyan Methodist minister, but brought up on the Isle of Wight. He was educated at Kingswood School, Bath, which he left to become an apprentice at Austin Motors in 1931.

He left his apprenticeship and embarked on a period as an unarticulated teacher at Tipton, Staffordshire. But with the economic downturn of the 1930s he soon lost this job and undertook a period of teacher training in London.

His life achieved greater direction when, in 1936, he joined the RAF after having previously learnt to fly with the RAFVR. After two years' training on different aircraft types he then, in 1938, transferred to the Air Branch of the



Britain's Black Knight rocket on display at the Farnborough air show in 1959

Royal Navy, and was attached to the RAF School of Aero Engineering at Henlow, Bedfordshire.

During the war he had a number of Fleet Air Arm engineering appointments. Among other achievements he was responsible for introducing a system of organising aircraft maintenance that became standard throughout the Navy. He served in two aircraft carriers, *Argus* and *Furious*, and was awarded his DSC in the latter for rescuing a pilot from an aircraft that had crashed on landing and burst into flames.

He left the Navy at the end of 1945 with the rank of lieutenant-commander and had several years in commercial engineering jobs until he joined Sperry Gyroscope in 1951 to work on the Seaslug ship-to-air missile. The Royal Navy's first SAM. In 1954 he moved to join Vickers Armstrong as Chief Trials Engineer, but by now his reputation in the missile business was growing and in 1956 he was approached by Saunders Roe to head their development team for the Black Knight rocket.

As well as work on the launch vehicle itself, he planned and oversaw the construction of a testing site, improbably located on a cliff edge at Hightdown overlooking the Needles on the Isle of Wight. Here ingeniously devised and highly successful

lashed trials of the Black Knight rocket were conducted. These gave valuable data on the likely performance of rockets in the atmosphere and ionosphere without a missile having to leave the ground. When these had been completed the project was moved to Woomera in South Australia for live firings.

On its first launch in September 1958 this minuscule missile — only 35 ft long and three feet in diameter — reached an altitude of 300 miles, well above the height of the Soviet rockets which had launched the first Sputnik satellite, the year before, and giving ample promise that a two-stage version of the rocket could, indeed, deliver a satel-

lite payload at a time when American rockets were in disarray. The cost of this extraordinary success was a ludicrously low £5 million.

Further development work was done on the Black Knight and a two-stage version, carrying a metal ball on the end of a rod to measure ion impact in outer space, flew to a height of 380 miles. Leyton wanted to press on, and had realistic aspirations that the aerospace industry might be able to put a satellite into earth orbit unaided. But after hovering for a year or two the British Government eventually abandoned the project, surrendering the lead in the European aerospace effort to the French.

It was the end of the road for a rocket engineer like Leyton, but he did not repine. In a valedictory letter to *The Times* he was admirably moderate about the value of space rocketry, while feeling it a pity that Britain was not making a contribution: "I do not believe that space research is the answer to all or even many of our problems today, but it does provide its own problems whose solution will, in time, benefit all branches of engineering; it does provide a way of further satisfying our natural curiosity about the nature of the physical universe."

He next joined the portable electric tools manufacturer Black & Decker as UK Engineering Director, but after only two years he decided to quit the rat race altogether and bought a pub, the Miners' Arms, in the Somerset village of Priddy in the Mendip Hills. His interest was not in becoming a publican but in developing the restaurant side of the business, in which he and his wife Nancy were so successful that the Miners' Arms soon became a magnet for a celebrity gourmet clientele from near and far, and he found himself thoroughly immersed in commercial pressures once more. The restaurant's home bred snails, known locally as Mendip Wallfish, became particularly renowned at a time when the British appetite for snails was in its infancy. In 1967 the Miners' Arms received a Good Food Award from the Good Food Club.

In 1978 he and his wife retired from the Miners' Arms and after a year of travel settled on the Isle of Wight, where both had grown up. There he involved himself in local politics as a county councillor.

His wife Nancy died in 1993. He is survived by his four sons.

GHULAM AHMED



Ahmed: part of India's lethal spin attack in the 1950s

Ghulam Ahmed, Indian cricketer and selector, died in Hyderabad on October 28 aged 76. He was born there on July 4, 1922.

A GRACEFUL yet lethal off-spinner who could cut the ball in to batsmen at almost a right angle, Ghulam Ahmed was for a decade one of India's most penetrating bowlers. Together with Vinoo Mankad and Subhash Gupte, he formed part of the devastating spin attack that helped to put Indian cricket firmly on the world map in the years after independence.

Tall and robust in the best patrician traditions of the princely state of Hyderabad, Ghulam Ahmed could bring the ball down at almost medium pace despite his disarming run-up. He had a wonderfully smooth bowling action, almost classical in its circular execution, and a masterly control over flight. His variation of length and direction made his deliveries beguiling and almost unplayable.

A graduate of Madras University, where he first earned a name as a bowler, Ahmed entered the big league when he made his debut for Hyderabad in the Ranji Trophy. His stint with the state squad was to last two decades, during which he claimed 178 wickets. Ahmed was a tireless campaigner who did not flinch from bowling on the thankless, batsman-friendly tracks that abound in India. In one Ranji match against the Holkar side, he bowled a marathon spell of 93 overs.

Despite making a mark at the domestic level, it was not until 1948 that Ahmed was selected to play for India. He made his national debut against the visiting West In-

dies in Calcutta, joining the squad led by the legendary Lala Amarnath. He went on to play 22 Tests, the last one as captain during the 1958-59 tour of India by Jerry Alexander's West Indies team. Earlier too, in 1955, he had captained India against New Zealand.

His test haul of 68 wickets, however, does not accurately convey his pugnacity and artifice as a bowler. He had the uncanny ability to come good at just the right moment, and played an important role in India's first ever win in Test cricket. Bowling in the fifth and final test against Nigel Howard's MCC squad at Madras in 1952, his four wickets for 77 runs helped India to take the match by an innings. Ahmed will also be remembered for his role in the 106-run stand for the last wicket with Hemu Adhikari against Pakistan at Delhi in 1954, in which he contributed a handy half-century.

So punctilious was Ahmed in his approach to the game that one of the first things he did when he reached England during the 1952 tour by India was to purchase a pair of cricket boots from Sir Jack Hobbs's shop to suit the English ground conditions. He was a gregarious man and a generous one too, often going out of his way to help fellow cricketers in need. After he hung up his boots, he began a second career as a competent and fair-minded administrator of the game. He had two stints as a national selector and, as chairman of the selection committee, helped to pick the team led by Kapil Dev which eventually won the World Cup in 1983.

He is survived by his wife, a son and two daughters.

DR JOHN AGATE

John Agate, CBE, consultant physician, died on October 31 aged 79. He was born on February 20, 1919.

JOHN AGATE was a leader in the phenomenal development of geriatric medicine after the Second World War. His career could be said to have epitomised many of the qualities of

the pioneers in this speciality. John Norman Agate went to his school at Aldenham, which he left with an open scholarship to Trinity Hall, Cambridge, obtaining a first there in the Natural Sciences Tripos in 1939. He then trained at the London Hospital, qualifying in 1942.

A series of medical posts at

the London Hospital led to his MARCP in 1944, and to his becoming chief assistant to Dr Donald Hunter and being research physician to the Medical Research Council's industrial diseases unit from 1945 to 1949. In this latter capacity he worked with Cornish miners and obtained his MD in 1948. A short-service medical com-

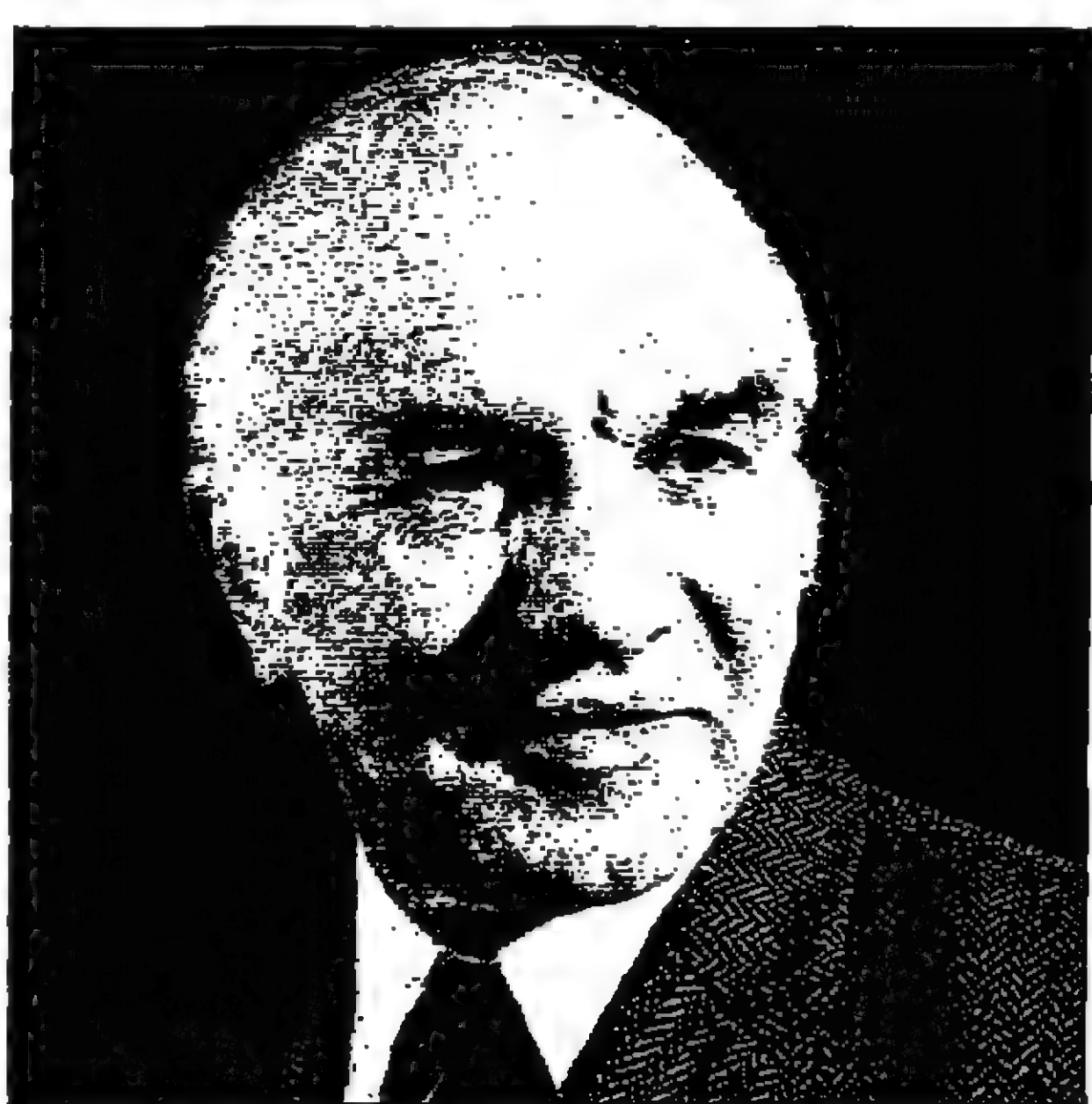
mission in the RAF as a squadron leader followed from 1949 to 1953.

In 1953, although not lacking for career opportunities in industrial medicine, he developed his interest in geriatrics and was appointed Consultant Physician in Geriatrics to the Bradford Hospitals. In 1958 he moved to Suffolk as a similar

consultant to the Ipswich and East Suffolk Hospitals, where he stayed until his retirement.

At Bradford he had successfully developed a service based on 730 beds. In East Suffolk he was to develop his full powers. His peripheral hospitals were, with one exception, in workhouse infirmaries buildings (sometimes situated in charming villages). Many were in deplorable condition, as his photographs so starkly recorded. They were short of staff and modern equipment. He had to care for patients, assess waiting lists and visit new patients. He renovated the old buildings, taking advantage of their Georgian origin, replaced equipment and recruited staff. This was done in the face of opposition and in competition for funds not easily available to this Cinderella speciality. Finally, turning to Ipswich itself, he designed, raised funds for and opened the Hayward unit for in-patient and day care. Ipswich became a "centre of excellence" attracting international visitors. He was appointed CBE for his services to geriatrics in 1979.

He never forgot the importance of general medicine in geriatrics, an area in which



Agate: made Suffolk a centre of excellence in geriatrics

accurate diagnosis and treatment is fundamental. He was passionately interested in training. He contributed numerous papers to learned journals. He wrote three textbooks, the first being *The Practice of Geriatrics*. As a lecturer he was in great demand. Contributing to tele-

vision documentaries as early as 1955, he was an accomplished broadcaster.

His involvement with the Royal College of Physicians was most useful in getting geriatrics accepted as a valid medical speciality. He had been elected a Fellow in 1963 (unusually for a "geriatrician")

and arranged the first conference in geriatric medicine at the college in 1965.

He was closely involved with the development of the British Geriatrics Society, as chairman of the executive, treasurer and vice-president. He served, too, on the DHSS Standing Medical Advisory Committee for eight years and the Central Health Services Council and the Social Services Council.

Agate was offered many opportunities to leave for a more prominent role but he loved Suffolk. He and his wife Hester, whom he married in 1946, were both involved in music. He had sung with the London Bach Choir and she was a talented player of the harpsichord; both sang with the Aldeburgh Festival Singers.

In retirement — although like many his retirement from the NHS in 1983 was only nominal — he became a potter and grew fruit trees. His last months were sadly dominated by ill-health, a difficult time for a man who had always preached the importance of quality of life as the geriatricians' creed.

He is survived by his wife, one son and a daughter.

PERSONAL COLUMN

DEATHS

TOWNERS — Bernard James "Jimmy" aged 78, peacefully on November 23rd. He will be sadly missed by his wife Betty and children Jane and John, and his grandchildren. Funeral at Eddiam Crematorium on November 30th at 2.15 pm. Family flowers only. Donations to Cancer Relief Macmillan Fund may be sent c/o Chelsea F/D 3806 Fulham Road, SW10 9EL.

TOWNSEND — Paul Antony, died peacefully on Monday 23rd November 1998. Funeral Service at All Saints Church, Hampshire on Monday 30th November at 1.30pm. Donations if desired to Macmillan Cancer Relief c/o Petersfield Funeral Services, 10 The Square, Petersfield, Hampshire, GU32 3HR. Tel: 01730 262711.

TURBESVILLE SMITH — Charles, aged 74, peacefully at Poole Hospital on 21st November 1998. Much loved husband of Anne. Thanking Evangeoist St. John the Evangelist Church, Milborne Port, Somerset on Wednesday, 24th December at 2.00pm. Donations made payable to The Royal British Legion c/o Farnley and Son, 170, Pound Pool, Somerset.

WATERS — Suddenly on November 22nd, Ronald Waters Emeritus Professor Sheffield University, a dearly loved husband, father and grandfather. Private cremation. No flowers by request. Donations if desired to the R.A.P. Benevolent Fund c/o Mitchell Funeral Services, King William Street, Exeter EX4 9PD.

WITHOPS — Patricia at Leonardis Fachklinik, Germany on Tuesday, 17th November. She will be sadly and greatly missed by Marco and Yolanda, Diana and Patrick, Pascal and Charlotte, Robyn and Neville, Warren and Joan, Jean and Val, Houdra and Raylyn, Melissa, Katherine and Fiona and her many friends around the world. Funeral Service at Mortlake Crematorium, Kew Meadow Path, Townswood Road, Richmond at 10.00 am on Thursday 26th November, 1998. Flowers or donations to the Imperial Cancer Research Fund. Enquiries 0181-867 1664.

WYKES-JAMES-MUSGRAVE — Elizabeth Ada (Betty) peacefully on November 24th. Beloved wife of the late Kit and much loved mother, grandmother and great-grandmother. Funeral at St. Mary's Church, Barnstaple, on Thursday 3rd December at 2.30pm. Family flowers only. Donations to St. Mary's Church, Barnstaple. WYKES-JAMES-MUSGRAVE — Ronald Ormonde RIBA, died peacefully at home on 24th November 1998. Cremation at Woking on Monday 30th November at 3.00pm. Family flowers only. Donations if wished to Hospice in the Field, Penrhyn, TN2 4TA.

MEMORIAL SERVICES — **MACBRIDLE** — A Memorial Service to celebrate the life of Sir Robert will be held at St. Thomas Church, Brentwood, Essex on Thursday 17th December at 11.30 am.

SERVICES — **PLAMP PARTNERS** National Funeral Directors. If you are planning a funeral, please contact us on 01305 710000.

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Armed forces seize power to 'cleanse' Greece

ATHENS, NOV 25

President George Papadopoulos, the former Army colonel who seized power in Greece in a military coup on April 21, 1967, was overthrown by another coup early today. He was placed under house arrest.

Lieutenant-General Phaedon Gizikis, commander of the First Army group, was sworn in as the new President. It was generally assumed, however, that Brigadier Dimitrios Ioannidis, chief of the military police, was the key figure in the new regime.

The Papadopoulos dictatorship was toppled by the Prime Minister's own supporters in the Army who regarded his plans to hold elections in 1974 as premature. They saw the students' revolt last week as proof that conditions in Greece were still not ripe for such experiments.

A policy statement put out by the leadership said that the armed forces had stepped in to steer the nation back towards the original ideas of the 1967 revolution which had been forsaken.

While a 24-hour curfew was in force in Athens, a new Cabinet under Mr Adamandios Androusoopoulos, a Chicago-trained lawyer,

ON THIS DAY

November 26, 1973

The first elections in Greece for ten years were held in 1974, a year after these events. In the same year the country became a republic.

was sworn in this evening in the presence of President Gizikis.

Brigadier Ioannidis tonight sent out military cars to take all Athens publishers to the headquarters of the armed forces. He told them they were free to publish or not publish their newspapers but if they did, "you'll have to support us". If they disagreed they could close down.

Mr Spyros Markezinis, who was Prime Minister until today's coup, was reported to be at home and well. A policeman answering his home telephone said he was not under

arrest. No reports of arrests could be confirmed.

People realised that dramatic changes were taking place shortly after 3am when military units set up roadblocks round the capital.

Armoured vehicles with troops seized control of the "Old Palace", the Government headquarters overlooking Constitution Square, and other ministries in the area. Tanks and naval craft surrounded the heavily guarded seaside villa of President Papadopoulos at Lagonissi, about 20 miles south-east of Athens at about 5am today. Earlier reports of the exchange of fire seemed to be untrue. The deposed President was said to be under house arrest with his two principal aides.

Telephones in Athens were disconnected. By 8am the radio announced that a 24-hour curfew had been imposed in Athens and Salonika by order of the "headquarters" of the armed forces.

This was followed by a statement from the same source proclaiming that the armed forces had intervened to stave off new threats to the nation because it had defected from the objectives of the 1967 revolution. The statement said that these objectives had been to cleanse public life and to create the conditions for the return to a healthy form of parliamentary life.

NEWS

Straw dilemma over Pinochet ruling

Jack Straw was facing the biggest dilemma of his career after the Law Lords' ruling that General Augusto Pinochet does not enjoy sovereign immunity from prosecution on charges of genocide, murder and torture. The Home Secretary has until Wednesday to decide whether to give his authority to extradition proceedings to Spain.

In a 3-2 judgment the Law Lords had overturned the High Court's ruling that General Pinochet's status as a former head of state gave him immunity. Pages 1, 6, 7

Labour has weathered economic storm

The Government has weathered the storm over the economy. A MORI poll shows that confidence about the economy has picked up. Labour is unchanged on 53; the Tories are up three on 29; and the Lib Dems down three at 13. Page 1

Computer waste

The Ministry of Defence spent more than £34 million on a computer system ordered in 1988 for its intelligence department but scrapped it as soon as it came on stream because it was out of date. Page 2

Moment of rescue

The moment when three-year-old Charlotte Jones was found safe was described by one of her rescuers as very emotional. Page 3

Comedy with bite

The BBC has ordered the death of the cosy domestic sitcom as it goes in search of new comedy with "more bite and less whimsy". Page 5

Question of cash

Britons just cannot spend money fast enough. Government figures show that a dramatic rise in spending power has been matched by a difficulty in deciding on what to spend spare cash. Page 8

Doctors 'shamed'

Family doctors who shrug off criticism by health service watchdogs and refuse to apologise for mistakes may be "named and shamed". Page 9

Football thugs

Football violence has reappeared with a vengeance this season, leaving a trail of serious injuries and a risk that a fan will be killed, say police. Page 11

Ireland 'could rejoin Commonwealth'

Ireland's Prime Minister will delight Unionists today by raising the prospect of his country rejoining the Commonwealth. In an interview with *The Times* Bertie Ahern said he would not seek to suppress a debate that he believed inevitable. The Commonwealth was very different from when Ireland left in 1949. Rejoining would reassure Unionists. Pages 1, 16

'Our town' tales

A town a day is to be invited to the Millennium Dome to put on a show about its history, the present day and aspirations for the future. Page 13

Wife beaters

As many as 14,000 Russian women a year are killed as a result of domestic violence, delegates told a joint United States-Russian conference. Page 17

Mujahidin in Kosovo

Mujahidin fighters have joined the Kosovo Liberation Army, dimming prospects of a peaceful solution to the conflict and fueling fears of heightened violence next spring. Page 18

Starr praises Clinton

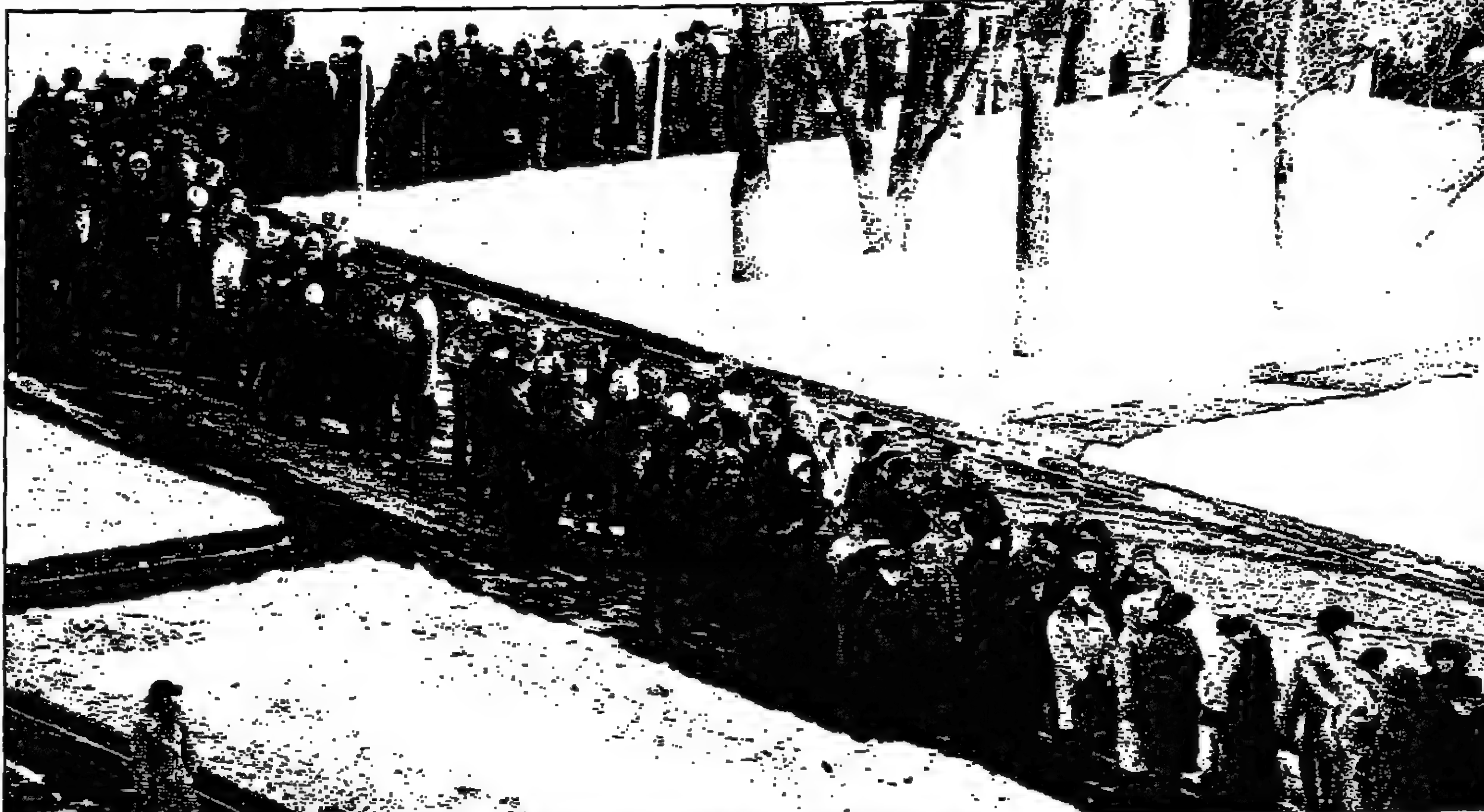
Kenneth Starr thinks that President Clinton is "wonderfully talented" but he has moral failings: he should have been faithful to his wife. Page 19

Asian olive branch

The President of China, the first leader of the country to visit Japan since the Second World War, arrived in Tokyo seeking to heal half a century of mistrust between the two Asian powers. Page 20

Kurdish rebel

Germany, nervous that the Kurdish war for independence would spread to its soil, resisted pressure from the US and Italy to submit an extradition request for a rebel leader. Page 21



As the Russian winter begins to bite the queues outside a state-run employment agency in central Moscow lengthen

BUSINESS

Trade deficit: Britain's trade gap

reached a record in September, fueling hopes that the Bank of England will cut interest rates again next week. The deficit almost doubled between August and September to £2.5 billion. Page 29

Oil glut: Prices traded close to a 12-

year low as ministers from oil-producing nations met to discuss production cutbacks. Page 29

M&S summit: The company is expected

to issue a statement today about the bitter boardroom feud over who will succeed Sir Richard Greenbury. Page 29

Markets: The FTSE 100 fell 43 to

5755.3. The pound rose 0.2 cents to \$1.6618 and .04 pfennig to DM2.8324, the index rising to 101.7 from 101.6. Page 32

SPORT

Cricket: Alec Stewart is under fire

from Australian newspapers, gloating that his duties are too heavy, his batting is in turmoil and he has not proved himself against Australia. Page 48

Rugby union: Lawrence Dallaglio

will return as captain of England against Australia on Saturday, one of four changes from the side that struggled to beat Italy. Page 51

Tennis: Greg Rusedski was hoping

to take the place of Andre Agassi, who retired with back trouble from his match against Alex Corretja at the ATP championships. Page 53

Bryant's Eye: If you want to run the

length of Africa from the Cape to Cairo all you need are 30 pairs of shoes, a lot of time, a little madness and unlimited persistence. Page 54

ARTS

Cinema 1: Meet Hollywood's latest

screen hunk, Edward Norton, who has brains as well as brawn, and whose current No 1 female fan is Courtney Love. Page 38

Cinema 2: By far the best of the

week's new movies is *Out of Sight*, from an Elmore Leonard novel, which finally gives George Clooney the role that he has been waiting for. Page 39

Provocation: At Sadler's Wells the

Frankfurt Ballet shows that there is more to the creativity of its artistic director William Forsythe than brutal neuroticism. Page 40

Celebration: At the National Theatre

Trevor Nunn revives Harold Pinter's 1978 play *Betrayal* and brings this pain-filled masterpiece into the Nineties. Page 41

FEATURES

Shaking palsy: Dr Thomas Stutta-

ford on Parkinson's disease: arthritis: pre-eclampsia: flu jabs and Alzheimer's drugs. Page 22

Girl power: The philosopher Theodore

Zeldin tells Grace Bradberry why young women are the new revolutionaries. Page 23

Golden oldies: Becoming a mother

in your thirties or forties has benefits, says Celia Brayfield. Page 23

Reviews: Oleg Gordievsky remembers

the Cold War: Jeremy Reed hails a poetic masterpiece: Robert Nye and Ruth Scurr try poems by Frost and Ondaatje; Erica Wagner looks at America through Simone de Beauvoir's eyes. Pages 42-44

TRAVEL

Best buys: Fly to Ireland for a weekend hotel break; a fortnight in Cyprus for £99; a coral island Christmas. Page 45

THE PAPERS

In the worst riots since May, when President Suharto was forced to resign, death has returned to the streets of Jakarta and other cities as more than 100 Indonesians have been killed in recent weeks, threatening to destroy the progress, some admittedly quite tenuous, that has been achieved on both the political and economic fronts. *The Washington Times*

TOMORROW

IN THE TIMES

CHRISTMAS BOOKS

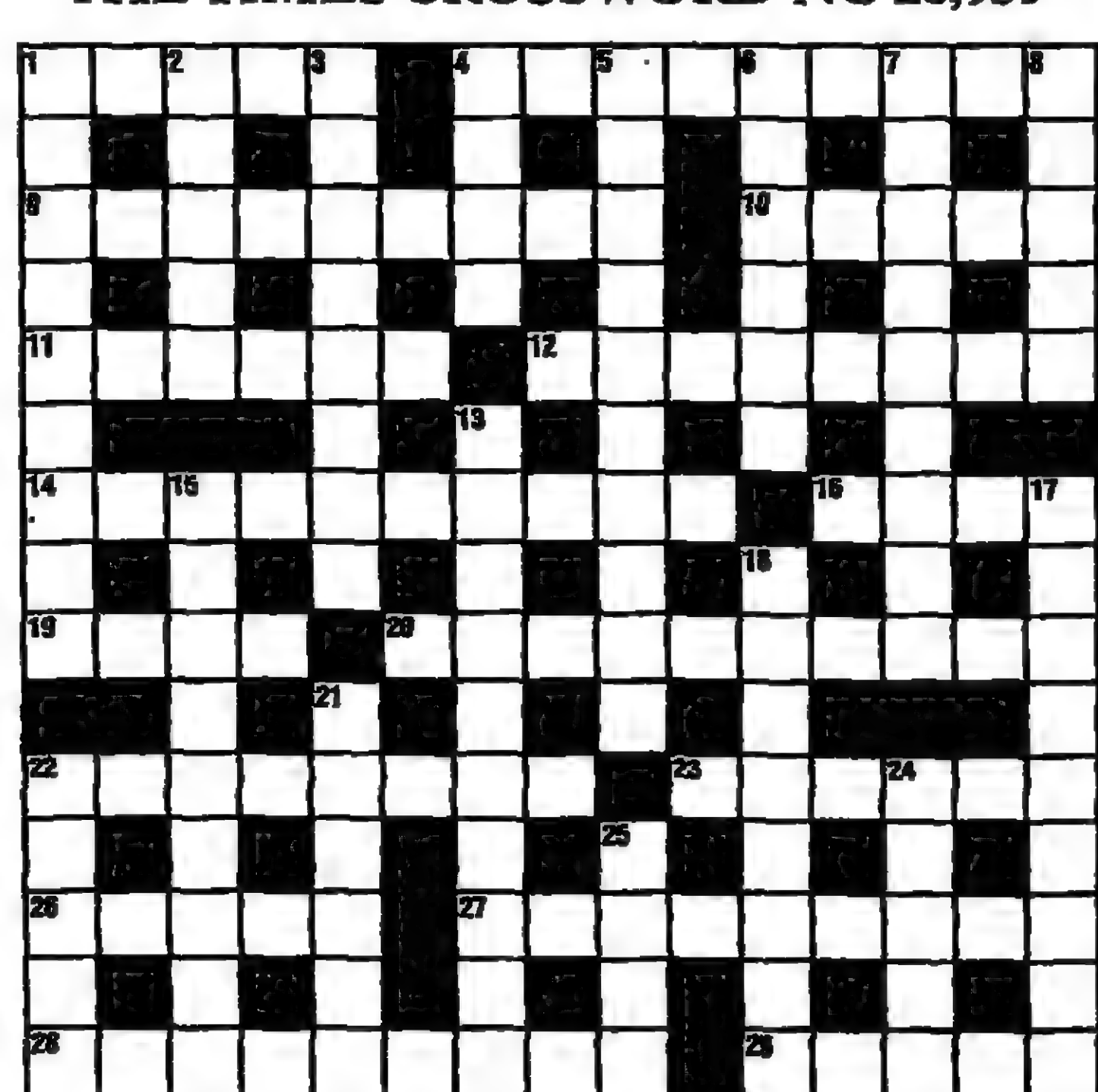
A 16-page guide to what to look for in the bookshops this Christmas

MEDIA

Rupert Murdoch tells Raymond Snoddy: The digital battle has only just begun



THE TIMES CROSSWORD NO 20,959



- ACROSS
- 1 Amerind we see quietly following fawn (5).
 - 4 Horrid ruling cops backed up (9).
 - 9 Duck's catch, going round in pond and river (9).
 - 10 Loots and boots out (5).
 - 11 Small bird feeling pain, having wings clipped (6).
 - 12 Happy tap dancing with poise (8).
 - 14 Inspired zany on cue acted furiously (10).
 - 16 Red meat or grouse (4).
 - 19 Distinguished opener in tests practised (4).
 - 20 A break in exercise, it seems (10).
 - 22 Man (model soldier?) hating (8).
 - 23 Jam spread thinly on bread (6).
 - 26 Part in *Twelfth Night* - one playing it takes a bow (5).
- DOWN
- 1 Cheese, in part, eaten by puss (9).
 - 2 Panic, losing head, and slip (5).
 - 3 A metal among the best (8).
 - 4 Fly by waterside plant (4).
 - 5 Marginal leader in pentathlon, top Olympian in danger (10).
 - 6 Boasting cheat and braggart (6).
 - 7 Metamorphosis of Circe, that designing person (9).
 - 8 Sample what a steak can provide (5).
 - 13 Workers in wood parking in vehicle with logs (10).
 - 15 Junior's to pay for bloomer (9).
 - 17 Wrestler, perhaps, clever to hang on to the car (9).
 - 18 Inclination to write song (8).
 - 21 Start, in slightly poor shape, on first of aerobic classes (6).
 - 22 Nearly all experience officer commanding destruction (5).
 - 24 Brook having fish given higher rating (5).
 - 25 Sums up commercials as sound (4).

Solution to Puzzle No 20,958

PASTEBUCK GAP
UPPERBUSH
BOONDOCKS YEAST
O I HENNT
CONSOLE TOOMUCH
O U O T L E
MEANS UPHEWALL
E M E R T I
THE SAUVUS BREAD
ON V I U O
LOGGING INSURIN
I M A U M H E
QUEST ABOMINATE
H N O V A N D V R
TOT READYTONMIA

Times Two Crossword, page 56

LATEST ROUND AND WEATHER CONDITIONS

UK Weather: All regions 0326 444 910
UK Roads - All regions 0326 401 910
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BUSINESS EDITOR Patience Wheatcroft

THURSDAY NOVEMBER 26 1998

2W

Trade gap fuels hopes for rate cut

By ALASDAIR MURRAY, ECONOMICS CORRESPONDENT

BRITAIN'S trade gap with the rest of the world reached record proportions in September, fuelling hopes that the Bank of England will cut interest rates again next week.

The September global goods trade deficit totalled £2.5 billion — almost double the August figure. The huge rise in the trade gap reflected across-the-board weakness in exports, with the September deficit with EU countries jumping to £592 million against £80 million in August — the worst performance since April 1997.

The more timely October non-EU trade figures showed a modest recovery, with the deficit shrinking from £1.91 billion to £1.32 billion, but analysts gave warning that the underlying picture suggests the trade gap is likely to act as a significant drag on GDP growth in the fourth quarter of the year.

John O'Sullivan, UK economist at Greenwich NatWest, said the figures should not be too great a surprise but that they boded ill for the final quarter of the year. "The seeds sown by the protracted period of sterling strength are now being reaped with a vengeance," he said.

Michael Hume, UK economist at Lehman Brothers, added that the data should encourage the Bank of England to cut rates again at its two-day meet-

ing starting on December 9. He said: "The bad news for the Bank in terms of inflationary pressures and their indirect effects on the activity side. We think there is 75 per cent chance of a cut in December."

City economists said that only a sharp fall in the pound is likely to ease the pain for exporters. The pound, however, dipped only briefly after the release of the data, bolstered by renewed speculation of European interest rate cuts. Sterling closed marginally up against the mark at DM2.8324 and rose 0.1 on its trade-

weighted index to 101.7. The prospects for a December rate cut should become clearer after Eddie George, Governor of the Bank of England, appears before the Treasury Select Committee today. The market is looking for signs that the Monetary Policy Committee has taken on board the uniformly weak data released since the Bank published its Quarterly Inflation Report two weeks ago.

Industry pressure for a further rate cut is likely to intensify if the Confederation of British Industry's industrial trends survey today points to a

further contraction in manufacturing output. Across the third quarter, underlying export volumes, which exclude oil and erratics, increased by 1.7 per cent compared with the same quarter last year. Import volumes, however, were 8.5 per cent higher than in the third quarter of 1997.

Kevin Darlington, UK economist at ABN Amro, said that with import demand growth in Britain's main export markets running at nearly 7 per cent, the figures suggest that the country's exporters have suffered a decline in market share. He added that the strength of import growth and anecdotal evidence that UK companies are seeking to source more from overseas also pointed to UK manufacturers losing ground in the domestic market.

Brian Wilson, Trade Minister, blamed the worsening trade gap on "global economic problems, particularly in Asia", taking their toll of the country's export performance. Exports to East Asia are some 30 per cent lower than a year ago. However, economists pointed to the widening deficit with EU countries as evidence that European competitors are beginning to make inroads into the UK market. Trade in services, however, remained in the black, although the September surplus of £954 million was the lowest figure for nearly a year.

MEASURING THE COSTS OF LIQUID ASSETS

All prices per pint



Brent crude tumbles to 22-year low as rift within Opec widens

By CARL MORTISHED, INTERNATIONAL BUSINESS EDITOR

PANIC gripped the oil markets yesterday as dealers reacted to renewed signs of dissension within Opec.

The price of the Brent crude future contract dipped below \$11, its lowest since 1976, reflecting fears that the oil cartel will be unable to take action to reduce the supply glut.

Opec's ministerial meeting in Vienna was delayed last night after horse-trading between the countries had failed

to produce an agreement on new measures to raise prices. Saudi Arabia, Opec's largest producer, was insisting that cartel members must meet fully the 2.6 million barrel per day output cut agreed in June before it would contemplate further measures demanded by other countries.

Libya has argued that Opec needs to cut a further million barrels from the 75 million barrel per day world market and

Algeria has called for a summit of Opec leaders next year to address the problem. However, Venezuela and Iran have so far failed to comply with the agreement to reduce supplies.

The price slump has slashed the incomes of Opec countries such as Venezuela, Iran and Nigeria but it is also hurting Western oil companies.

At current price levels, North Sea oil companies are losing \$1 for every barrel pro-

duced. The high cost of production in British waters is putting the domestic oil industry at an acute disadvantage to producers in the Middle East and West Africa.

The Department of Trade and Industry has launched a task force aimed at helping companies to reduce their costs and protect thousands of Scottish jobs. Shell, Texaco and Amerasia Hess have already announced UK job cuts.

BUSINESS TODAY

STOCK MARKET	
FTSE 100	5755.3 (-43.0)
Yield	3.82%
FTSE All Share	2632.91 (-15.60)
Nikkei	15073.47 (-91.17)
Dow Jones	9275.15 (-25.00)*
S&P Composite	1183.17 (+0.18)*

US RATE	
Federal Funds	4.75% (6%)
Long bond	100% (100%)
Yield	5.19% (5.21%)

LONDON MONEY	
3-mth interbank	6% (6%)
Libra long bill	116.10 (115.95)

STERLING	
New York	1.8627* (1.8604)
London	

\$	1.8620 (1.8615)
£	2.8530 (2.8519)
¥	140.72 (140.65)
SF	2.3411 (2.3375)
DM	2.0264 (2.0245)
Sc index	101.7 (101.6)

\$500 US DOLLAR	
London	

DM	1.7038* (1.7043)
FF	5.7120* (5.7150)
SF	1.4072* (1.4065)
Yen	121.73* (121.30)
Sc index	107.4 (107.0)

Tokyo close Yen 120.85

MONTHLY SEA OIL

Brent 15-day (Feb) \$11.45 (\$11.45)

London close \$296.05 (\$296.15)

Shake-up hits trio of fund managers

PHILLIPS & DREW, Gartmore and Foreign & Colonial, the City fund managers, have lost more than £12 billion of business over the past 14 months, according to analysis by Merrill Lynch, the broker.

The winners from the continuing shake-up of which firms pension funds want to look after their assets have been Legal & General and Barclays Global, who specialise in index tracking. Merrill says the moves show a shift away from active fund management and that "investors are reducing the size of their bets" on the market.

The Merrill figures, based on research by Pensions West, show that since the start of October 1997 P&D and Gartmore lost 44 pension fund mandates and gained just nine, losing a total of £7.94 billion in funds. F&C lost one large mandate worth £5.8 billion but gained six small ones. L&G and Barclays made net gains of 22 mandates, representing £7.43 billion, in the same period.

P&D and Gartmore are well known for their bearish stances on the way the market is moving. Last year P&D started a "dash for cash" when it withdrew funds from the equity markets, a move followed by Gartmore. However the performance of the funds they managed lagged the market and it showed a phenomenal rise in the early part of this year.

Gartmore appeared to lose its nerve and start re-investing in the summer, but as the equity markets turned, and P&D's cash-rich position was vindicated as it outperformed all other funds in the three months to September 30.

Media growth boosts profits at Granada

By RAYMOND SNOODY AND DOMINIC WALSH

SHARES in Granada jumped 37p to 910p as a surge in media profits helped the group to beat City expectations and push operating profits for the year to nearly £1 billion.

The results came on the day that Granada was one of the main beneficiaries of the revaluing of ITV licences by the Independent Television Commission. This will save Granada an extra £43 million a year on an annualised basis for ten years. The main licence fee savings came from the Yorkshire TV subsidiary, although Granada will have to pay more for its LWT and Granada franchises when it applies for renewal in the next two years.

The licence renewals follow last week's decision by the ITC to allow News at Ten to be moved. Gerry Robinson, the Granada chairman, said this would enable ITV to produce a more competitive schedule, and predicted that the franchise could hit its target audience share of 40 per cent in prime time by 2000.

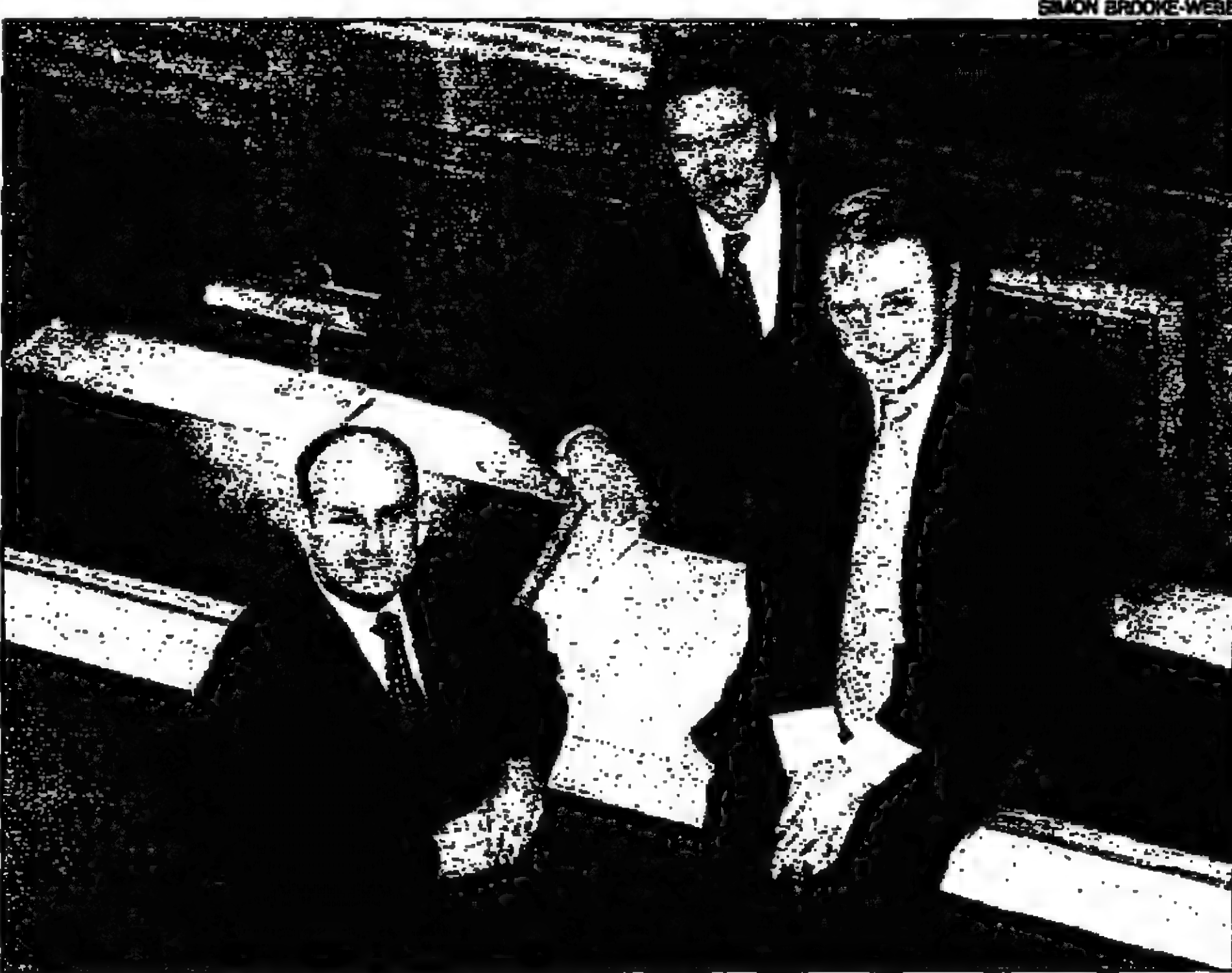
Profits at Granada's media businesses jumped 36 per cent to £255 million helped by a

first full year from Yorkshire TV contributing to group operating profits up 18 per cent to £970 million in the year to September 26. Profits before tax and exceptional rose 13 per cent to £735 million with earnings per share reaching 57p (50.6p). A final dividend of 11.50p makes 67p (44.5p).

The hospitality division shrugged off economic fears with a 19 per cent profit rise to £618 million. The star was the 100-strong Meridien Hotels chain, up 28 per cent to £158 million. Posthouse, Heritage and London Signature all showed double-digit profit growth. Food Services lifted profits 30 per cent with roadside restaurants up 26 per cent.

Although rental continued its gradual decline, Charles Allen, chief executive, remains optimistic that there is "a window of opportunity" because of the launch of digital TV. He effectively ruled out either a demerger of the media side or a purchase of a football club.

GMTV windfall, page 30
Commentary, page 31
City Diary, page 33



Charles Allen, left, with Henry Stanton, finance director, centre, and Gerry Robinson

UK drivers invited to buy cars abroad

FROM ADAM SAGE IN PARIS

"ALLO Pierre, got a new motor?" UK motorists, increasingly irritated by the high cost of new cars in Britain, are being invited across the Channel to splash out on the latest models.

French car salesmen predict a boom in cross-Channel business as motor industry prices fall in continental Eu-

rope as a result of a harmonisation process driven by the euro.

Car prices are already markedly cheaper in France than in the UK. Yesterday a London dealer quoted £13,400 for a new Honda Civic 1.4, compared with Fr96,800 (£10,433) offered by a dealer in Paris. An Alfa Spider, priced at £23,000 in London, was selling for Fr190,000 (£20,063) in Paris, and a Vol-

vo S40 for £13,995 in London and Fr123,900 (£13,083) in France.

French mandataires — dealers who now specialise in buying cars for French customers in "cheap" countries, such as Spain and Portugal — are targeting British customers, anticipating a collapse in their domestic market when the single European currency is introduced.

Pierre Bourgeois, director of the French motor industry watchdog, L'Observatoire de l'Automobile, said there was a 35 per cent difference in the cost of new cars between Germany and Britain on the one hand and Spain, Portugal and The Netherlands on the other. In five years' time, the gap will have been reduced to a maximum of 5 per cent between euro-zone countries, he said.

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Investors back BP takeover of Amoco

BP shareholders overwhelmingly approved the takeover of Amoco of America yesterday. The vote was another step in the road towards creating what will be the world's third largest oil company, behind Exxon and Shell.

The deal is structured as a merger whereby BP will acquire Amoco in return for new BP shares, leaving an equity split of 60-40 between the existing BP and Amoco shareholders. BP earnings in 1997 were \$4.6 billion (£2.8 billion) and Amoco's \$2.7 billion. Both companies will see sharp falls in 1998 earnings as a result of industry conditions and the slide in the oil price, but they anticipate that the merger will produce cost savings of \$2 billion by the end of 2000.

BP shareholders also approved a change of name to BP Amoco, the appointment of Amoco directors to the board and enhancements to BP's long-term performance plan (LTPP) for directors.

Amoco shareholders vote on what is the world's largest industrial merger on December 10.

Camdessus is confident

The head of the International Monetary Fund yesterday said there were reasons to be confident that the worst of the world's economic crisis was over.

Michel Camdessus, the IMF's managing director, also said that an interest rate cut by the European Central Bank would be welcomed.

He said: "The chances of avoiding a recession on a global scale have improved, even though it seems unlikely that we shall see a rapid return to global growth from this year's probable (growth rate of) 2 per cent."

Nestlé slides

Nestlé shares fell almost 6 per cent yesterday after the Swiss food and beverage group gave warning that a slowdown in emerging markets and adverse currency movements would restrict growth in sales and profits in the second half. The company said that sales rose 4 per cent to SFr59.2 billion (£26 billion) in the first ten months of 1998, compared with the 5.6 per cent growth in the first half.

Peter Brabeck, chief executive, said that the outlook for the next year was generally good, but noted "serious doubts" about short-term prospects in Latin America.

TOURIST RATES

	Bank	Bank
Australia S...	2.59	2.52
Austria S...	20.94	19.28
Belgium F...	61.64	56.68
Canada S...	2.90	2.50
Denmark D...	0.804	0.808
France F...	11.36	10.47
Germany D...	5.85	5.74
Greece Dr...	9.97	9.19
Hong Kong...	12.70	12.50
India Rupee	130	130
Indonesia...	16273	14273
Italy Lira	1,194	1,106
Japan Yen	7.28	6.90
Malaysia...	217.20	204.67
Netherlands...	0.688	0.659
New Zealand...	3.26	3.01
Portugal Esc...	13.09	12.15
Spain Ptas	201.05	201.02
Sweden Krona	10.09	9.13
Switzerland...	252.42	233.63
Taiwan NT\$	14.25	13.25
Thailand Baht	2.484	2.276
UK £	515.02	506.84
USA \$	1.769	1.626

Rates for small denomination banknotes only as supplied by Barclays Bank. Different rates apply to travellers' cheques. Rates as at close of trading yesterday.

Loss-making GMTV wins £30m licence fee windfall

By RAYMOND SNODDY
MEDIA EDITOR

GMTV, the loss-making commercial television station, was given a massive £30 million a year windfall by the Independent Television Commission yesterday.

The estimated reduction in the station's payments to the Government will be from £50.5 million this year to an estimated £20 million next year, after the revaluation of its licence for a new ten-year term.

The GMTV reduction was the most dramatic of the new licence offers made to 11 ITV companies by the ITC — offers which, if accepted, would reduce the payments of the companies involved from £363 million to £292 million a year.

The large reduction for GMTV, whose owners include

Granada, Scottish Media and Disney, was attacked by Bruce Gynge, chairman of TV-am, which was outbid by GMTV seven years ago.

Mr Gynge, now chairman of Channel Nine in Australia, said: "Their business plan was abysmally wrong and I could tell it at the time. I said they would go broke and they couldn't sustain it."

"This confirms that the legislation was flawed and that the ITC was incompetent in interpreting it. It is small consolation to be found right seven years later."

Sir Robin Biggam, the ITC chairman, said yesterday that the cut in GMTV's costs "gives them the opportunity now to consider investing more in programmes."

In offering new licences to the owners of the 11 franchises

CHANNEL 3 LICENCES: TERMS FOR RENEWAL		
Licence	Total payments 1998 £m (estimated)	Total proposed tender payments 1999 £m
Anglia	29.5	29.0
Border	0.06	0.5
Carlson	81.5	72.0
Central	31.8	49.0
GMTV	50.5	20.0
HTV	25.5	9.0
Mediaset	84.0	38.0
Telety	18.5	14.0
Ulster	1.0	2.0
Westcountry	9.0	6.0
Yorkshire	69.0	35.0
TOTAL	363	292

the ITC was setting values on the businesses for the next ten years in the light of economic models of advertising revenue and the likely competition from commercial rivals and cable and satellite television.

The biggest winner yesterday was Granada which, taking its GMTV stake into account, will save £30.9 million. Yorkshire's payment of £52 million falls to £35 million and Tyne-Tees drops from £18.5 mil-

lion to £11 million. On an annualised basis Granada will save £43 million from 1999-2008.

There was a more mixed result for the television franchisees of United News & Media. HTV drops from £25.5 million to £9 million but Anglia and Meridian are left virtually unchanged, given there is less competition from digital television and Channel 5.

Two of the small companies whose payments would increase will reject the offer of new licences. They are Ulster Television, up from £1 million to £2 million, and Border up from £60,000 to £500,000.

The ITC said that the new licence awards, which are 75 per cent based on advertising revenue, would have the effect of ironing out the anomalies created the 1990 Broadcasting Act.

Nat Power completes Midlands buy

By CARL MORTSHED, INTERNATIONAL BUSINESS EDITOR

NATIONAL Power yesterday bought 2.2 million electricity customers and launched the world's biggest power station sale as part of its strategy to strengthen its share of a fully competitive UK market.

National Power is buying the supply business of Midlands Electricity from Cinergy and GPU, its US owners, for \$180 million (£108 million). It will also take on high-priced, long-term electricity supply agreements with an estimated present value of between £100 million and £200 million. The price is equal to £120 to £160 per customer.

The City expects National Power to raise £2 billion from the sale of the Drax power station in North Yorkshire, a coal-fired plant that generates 4,000 megawatts of electricity. The plant is being sold under pressure from the regulator to increase competition.

Keith Henry, chief executive, said he had lost count of the interested buyers for the plant.

Shares in National Power fell 3 per cent as the company announced a fall in net profits

after tax from £208 million to £180 million.

National Power's troubled Pakistan power business was the main reason for the half-year profits dip. The company has taken an undisclosed provision for its £260 million investment in the Hub and Kot Addu power stations, thought to be a substantial contributor to a £30 million reduction in NP's international profits.

The Pakistan business has been in turmoil in the wake of the Government's attempts to rewrite supply agreements with the country's main electricity utility, WAPDA. The Government has accused the power companies of corruption in securing high-priced contracts from members of the former administration.

National Power said that its purchase of the MEB business was in line with government policy. The company is acquiring the MEB brand and the customer base but not the substations or wires that comprise Midlands' distribution business.

Tempus, page 32



ScottishPower's Charles Berry, left, with Stuart MacDonald of the Lighthouse, the first to sign up to ScottishPower's new green energy tariff, which will promote renewable energy

Rhone and Hoechst confirm talks

By PAUL DURMAN

RHONE-POULENC of France and Hoechst of Germany yesterday confirmed long-standing speculation that they are in talks to create a new pharmaceutical giant.

With sales of about \$13 billion (£7.5 billion), the combined company looks set to replace Glaxo Wellcome as the world's second largest drugs company.

Hoechst, which has the larger life sciences business in Hoechst Marion Roussel, is expected to be the senior partner in the deal. However, Jean-René Fourt, who heads Rhone, looks set to be its chairman. Jürgen Dornmann, of Hoechst, is likely to be chief executive.

Rhodia, Rhone's specialty chemicals arm, is likely to be excluded from the merger. Shares in the two groups, which have a combined value of almost £30 billion, were little changed after weeks of rumours.

Although Hoechst and Rhodia said they could not guarantee a deal would emerge from the talks, the two sides are believed to be only days away from an agreement.

The new company would control about a fifth of the \$50 billion global agrochemicals market, putting it ahead of Novartis.

Earlier attempts this year to pull off pharmaceutical/life sciences mega-mergers have ended in failure. Mergers between Glaxo Wellcome and SmithKline Beecham and between American Home Products and Monsanto both broke down over cultural differences.

Some experts believe Hoechst and Rhodia may encounter similar difficulties.

Neither company is strong in the US and neither has much in the way of genuine blockbuster drugs.

Manchester deal for Sir Rocco

By DOMINIC WALSH

SIR ROCCO FORTE, whose new hotel empire already stretches from Cardiff to St Petersburg, yesterday unveiled plans to build a five-star hotel and health spa in Manchester.

The 160-room property will form part of the £100 million Chapel Warf development, which sits on the River Irwell on the boundary between Manchester and Salford.

Sir Rocco's company, RF Ho-

tels, together with the site's owner, Chapel Warf Ltd, will also be involved with the development of an adjoining retail arcade of shops, bars and restaurants. The hotel will have its own restaurant and conference and banqueting facilities.

Detailed planning applications will be submitted in the new year and construction work is expected to start next spring. It is scheduled to open in late 2000.

A spokeswoman refused to

say how much RF Hotels was investing in the project, although industry sources cited a figure of just over £20 million.

Manchester is Sir Rocco's sixth hotel project since Granada acquired the hospitality empire founded by his father in a hostile £3.9 billion takeover in January 1996. The biggest is the £20 million St David's Hotel & Spa in Cardiff, which is due to open in January.

Sir Rocco, who last year paid an estimated £30 million

for the Balmoral in Edinburgh, is also investing £8 million in a total refurbishment of the Savoy Hotel, Florence; some £13 million in the Hotel de Russie, Rome; and £10 million in the Astoria, St Petersburg. All will be completed by the end of next year.

He is in negotiations over sites in Berlin and Cambridge, but plans for a chain of four-star business hotels in Russia have been put on hold because of the region's economic woes.

Tring goes into administration

By CHRIS AYRES

WHAT began as a lucrative wheeze between two schoolfriends to cash in on the market for cut-price CDs ended in disaster yesterday as Tring International went into administration.

The announcement brought an end to the troubled history of Tring, which has seen its founders — Philip Robinson and Mark Frey — tussle for control of the company's management.

The two men — who are thought to

have lost about £8.3 million and £3.8 million respectively, since the company's share price traded at 151p — fell out after Tring suffered a series of legal problems, and have now both left the company.

Other significant investors in Tring include K-tel Entertainment, Royal Bank of Canada Trust Company, and Jay Chernow, a friend of Mr Frey's who helped to try to topple Mr Robinson.

Tring recently came close to being

saved when two of Britain's largest music promoters, Harvey Goldsmith and Raymond Gubbay, attempted to turn it into a floated venture for their respective business empires.

The deal — thought to involve a £10 million share issue — collapsed after Mr Goldsmith and Mr Gubbay failed to agree on how the new company would be structured and run.

Tring — shares of which have been suspended at 64p — yesterday issued a statement saying: "After discussions

with Bank Leumi and other relevant parties, and having taken appropriate advice, the board has concluded that, in view of the company's current financial position and other matters related thereto, administrative receivership is the only viable course of action."

The company's share listing will be cancelled.

Eliot Cohen also yesterday resigned as a non-executive director of the company.

BUSINESS ROUNDUP

DE Shaw to sell derivatives arm

DE SHAW, the hedge fund rescued by BankAmerica, wants to sell its derivatives subsidiary of more than 100 traders who are based mostly in London. The fund said the sale was triggered by BankAmerica's acquisition of a derivatives group in a merger with NationsBank. BankAmerica had been Shaw's strategic partner and had signed a \$1.4 billion (£843 million) unsecured loan agreement that led to the bailout. BankAmerica was forced to buy a \$20 billion bond portfolio from Shaw when losses mounted at the fund. America's largest retail bank also wrote off a \$372 million credit to Shaw.

The hedge fund fiasco led to the firing of David Coulter, president of BankAmerica, who earlier lauded DE Shaw as "extremely creative, client-focused bankers with cutting-edge capabilities". Wasserstein Perella, the investment bank, has been hired to find a buyer for the Shaw subsidiary. Without giving numbers, the fund insists that the "financial products group" now up for sale is profitable.

Airlines battle on Net

THE competition between Britain's cut-price airlines is boosting the use of the Internet for ticket reservations with online flight and package bookings expected to be worth £500 million in 2003 compared with £34 million now, according to a study by Fletcher, the research group. The battle between easyJet and Go, the low-cost division of British Airways, is driving customers to the Net to compare prices and to get the best deal. More than 10 per cent of no-frills bookings will be made over the Internet in 1998, rising to 25 per cent in 2003, Fletcher said.

Kewill sees growth

KEWILL SYSTEMS, the supplier of computer software, reported pre-tax profits of £4.52 million, before amortisation of goodwill, for the six months to September 30, compared with £3.53 million in the same period last year. Turnover increased to £27.48 million, from £19.33 million, and the company declared an unchanged interim dividend of 4.0p. Earnings per share rose 21 per cent to 22.7p. Andy Roberts, chairman, said the group was well placed for further organic and acquisitive growth. The shares rose 42½p to £10.80 on the news.

BT faces full inquiry

THE European Commission yesterday confirmed that it is to conduct a full investigation of the proposed alliance between British Telecom and AT&T of America because of competition concerns. The inquiry is likely to last four months. BT's joint venture with AT&T entails the combination of the two companies' networks, in contrast with other alliances such as Global One and Uninor, whose partners have linked their sales and marketing activities. Cable & Wireless, BT's largest rival in Britain, wants the EU to block the joint venture. Internet investment, page 34

Bologna seeks listing

ITALY'S Bologna Football Club said yesterday it hopes to be listed on the Milan stock exchange by the second half of next year if it manages to turn this year's anticipated losses into profits in 1999. "We're expecting six months of positive earnings next year," said Giuseppe Gazzoni Frascara, chairman. "Then we can go for a listing." The Serie A club estimates 1998 losses of 2 billion lire (£7.2 million), down from last year's £1.2 billion loss. The only Italian football club quoted on the Milan exchange is Lazio, whose shares debuted in early May.

CML shares tumble

SHARES of CML Microsystems, the electronics equipment group, yesterday lost a third of their value after disappointing first-half results and a warning of a "substantial reduction" in full-year figures. The shares fell to 83½p from 125½p. Semiconductor sales are likely to be poor, CML said, with "very marked" pressures in Asia and export markets in general. It said pre-tax profit was £600,000 (£300,000) in the six months to September 30 on turnover of £9.8 million (£9.4 million). Earnings were 2.63p per share (1.96p). There is again no dividend.

APC reports advance

ADVANCED Power Components, manufacturers and suppliers of electronic components, reported pre-tax profit for the year to August 31 of £930,000, up from £885,000 last time. Turnover was 17 per cent higher at £6.19 million. Earnings per share were 3.0p (2.9p) and the final dividend was 0.8p, giving a total unchanged at 1.2p. The company said "overall, the year ended better than expected" with orders received 20 per cent higher than 1997. It said demand had picked up in the last quarter after a "severe" slowing in the third quarter.

Deutsche denies sale

DEUTSCHE BANK sought to quash speculation that it planned to sell its 15.1 per cent stake in DaimlerChrysler, the newly formed US-German auto manufacturer, to fund its proposed acquisition of Bankers Trust. Deutsche, Germany's largest bank, is widely expected to prepare a capital increase to cover at least half the \$3.86 billion (£5.2 billion) price for Bankers, with the remainder coming from liquid assets. DaimlerChrysler shares fell 2.5 per cent yesterday amid market talk that Deutsche would sell its shares in the company.

Bid for Clark accepted

SHAREHOLDERS of Matthew Clark, the cidermaker and drinks wholesaler, have voted to accept the 24½p-a-share offer from Canandaigua Brands, the US drinks supplier. The recommended bid for Clark, which values the company's issued share capital at £21.1 million, was declared unconditional yesterday after acceptances representing 81.2 per cent of the shares had been received.

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مكتبة من الأصل

Merger boom is a sign of weakness



GRAHAM SEARJEANT

High-altitude share prices are back. So are the takeover bids that give them oxygen. It is no coincidence. In the UK, shares have recovered by nearly a quarter since FTSE 100 index reached its recent nadir at the start of October. In America, the bounce has been even bouncier. The biggest factor has been the most sensible one. Short-term interest rates are falling faster than most dared to hope. Although the UK lags others, the Bank of England is sharing in a determined attempt to make sure that Europe and North America tame the wave of recession from Asia.

Corporate profits are falling in America, and are probably tumbling here too. At least those profits are now worth more relative to the returns available on cash or bonds. Even so, the prospect of falling profits is not likely to put the spring back into investors' stride.

To scale a new high on Wall Street on Monday, the Dow Jones average had to reach for its traditional security blanket: a flurry of takeover activity. After July, when

share prices were riding high, the sudden slump led to a swift suspension of new deals. Financial mergers were left dangling in mid-air, though most went through. Now corporate financiers are making up for lost time.

In the most highly rated, and therefore most vulnerable sector, Internet stocks America on Line and Netscape arranged a merger. Netscape, though still earning only \$2 million in the latest quarter, was valued at \$4 billion.

In banking, so recently the epicentre of scares about bad debts and financial market losses, Germany's solid Deutsche Bank announced an imminent \$9.7 billion takeover of the more worrisome Bankers Trust. AMP an electrical equipment group with problems, was knocked down for \$11.3 billion after an auction. On the day the Dow scaled its new high, eight

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In the most highly rated, and therefore most vulnerable sector, Internet stocks America on Line and Netscape arranged a merger. Netscape, though still earning only \$2 million in the latest quarter, was valued at \$4 billion.

In banking, so recently the epicentre of scares about bad debts and financial market losses, Germany's solid Deutsche Bank announced an imminent \$9.7 billion takeover of the more worrisome Bankers Trust. AMP an electrical equipment group with problems, was knocked down for \$11.3 billion after an auction. On the day the Dow scaled its new high, eight

in its heyday was the arch-enemy of the hostile takeover. Its tough top team wanted no truck and no cosy deals with managers of other companies that they reckoned were underperforming. It might still be charging ahead had its top team been ageless and had accounting standards not been changed radically to stop abuses of acquisition accounting.

Today's fast-shrinking BTR, though clearly being taken over by the more successful Siebe controls group, has agreed to a form of equal merger that is discouraged by accounting rules but which should make the accounts of a merged entity look much healthier. It will be interesting to see what KPMG, Siebe's auditors, will make of it.

There is much to be said for consolidation in tough times whether in global engineering, oil or banking, in European insurance or even among competitors to Microsoft. In a few cases, it will open new opportunities. In most, it is a cue for caution not for partying on the stock market.

Rockefeller's case shows Gates what to expect from the public



AMERICAN AGENDA
BRONWEN MADDOX

There is an inevitability to the timing of these things. As soon as Bill Gates and Microsoft find themselves in the dock, charged with abusing their monopoly to crush their competitors, those same competitors reveal they are not quite as crushed as their testimony would have the court believe.

America Online's announcement this week that it was buying Netscape Communications, Microsoft's aggrieved rival in the Internet browser wars, and also forming an alliance with Sun Microsystems, proprietor of the Java Internet programming language, hardly guarantees its future triumph in the cyberwars. But it should leave the trio able to challenge Microsoft in the race to turn cyberspace into an electronic shopping mall.

John D. Rockefeller would sympathise with Mr Gates. The tycoon of the Gilded Age a century ago saw the monopoly of Standard Oil begin to disintegrate under the onslaught of competition, at home and abroad, just as Washington finally tried to dismember "The Octopus". When, on November 18, 1906, the Federal Government filed a suit in Missouri to dissolve Standard Oil under the Sherman Antitrust Act, the action was not just belated, but redundant. Mr Gates would argue that his empire is just as vulnerable.

The Rockefeller-Gates parallels are inescapable: in fact, listing them has become this winter's parlour game, since the publication of *Titan*, Ron Chernow's exhaustive biography. But despite the fashion for personalising business conflicts,



John D. Rockefeller, second right, helped to write the contract of philanthropy that America still extracts from its billionaires

the comparison is as interesting for its timeless themes. In particular, Chernow's book shows how accurately the muddy, muchcriticised layers of US anti-trust law reflect the ambivalence embedded in America's attitude to its entrepreneurs. Although Chernow's compendium is too long, rather like Rockefeller's 98-year life, it is a marvellous chronicle.

Rockefeller's quarter-century path to glory began in the chaotic aftermath of the 1861-65 Civil War, in the frenzy of industrial development later known as the Gilded Age. It is worth recalling, as business theorists muse over the difficulty of reproducing the US's economic success in other countries, that business could scarcely have had more favourable conditions than those in Rockefeller's day. There was little federal regulation, nor any requirement to file financial accounts.

The states operated autonomously, treating each other almost as foreign countries. Yet state governments shared principles of property rights and contract law, and a well-

developed court system. With a fragmented but extensive banking system, start-up capital was easily available.

In what is an ambivalent biography overall, Mr Chernow is utterly clear on the central charge against Rockefeller: that he used the growing power of Standard Oil to block competition in the business of refining oil, and later, to control much of the US's oil production. Like Mr Gates, he saw early on the importance of controlling distribution. He struck repeated secret deals with the railroads that were then forging their way inwards from the Eastern seaboard to favour the transportation of his own oil from Ohio and Pennsylvania, and to choke off his rivals' conduits.

But Mr Chernow is too generous to Rockefeller's central defence, similar to that invoked by Mr Gates: that the industry would not have developed so quickly, nor been so technically innovative, without his dominance. Standard Oil reached its peak influence in the 1890s, when it marketed

84 per cent of all petroleum products sold in America and pumped a third of its crude oil; it also had a near-monopoly abroad. That made Rockefeller the richest man in America, by a margin incomprehensible to ordinary people. In the 1890s, when the average American was earning less than \$10 a week, Rockefeller's average income was \$10 million a year. "In the glory days before income taxes", as Mr Chernow puts it, "By 1902 he had an annual income of \$53 million, or about a billion dollars in tax-free income in today's money."

Mr Chernow's book is worth reading just for its account of life with great wealth. When money is no constraint, how do you choose to organise your life and relationships? Rockefeller and his wife used to exchange small gifts such as handkerchiefs, and then write each other saccharine thank-you notes, investing the goods with extra sentimental value to compensate for the meaninglessness

of their material cost. It was Rockefeller's wealth, as much as specific charges of secret collusion with the railroads, that finally fanned public anger to the point where Washington felt obliged to act.

Just as that pressure mounted, Rockefeller suffered the public relations disaster of generalised alopecia, or total loss of body hair. "It made him look like a hairless dog, stripped of all youth, warmth and attractiveness, and this played powerfully on people's imaginations," says Mr Chernow. For all his wealth, Rockefeller could never find a wig that fit.

Most comical of the Gates parallels is Rockefeller's behaviour in the witness box as anti-trust suits swirled around. Like Mr Gates in recent weeks, Rockefeller would have had the world believe that he built one of its most valuable business empires but couldn't remember how he did it. His performance provoked the newspaper headline "Rockefeller Imitates A Clam", while *The World* magazine noted: "The virtue of forgetting,

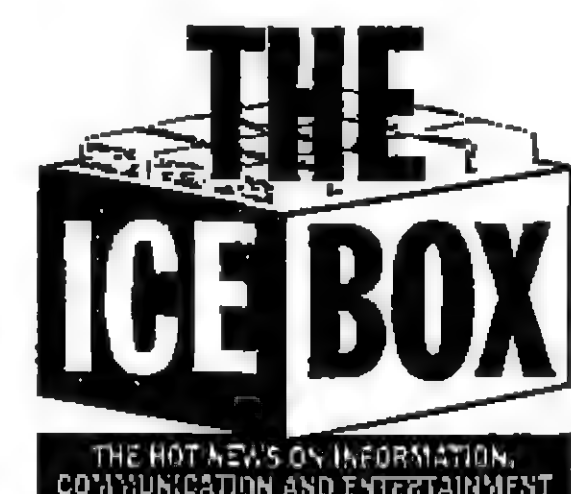
which is one of the most valuable virtues that a monopolist can have under cross-examination, is possessed by Mr Rockefeller in its highest degree."

For all his facility of amnesia, he lost, and "The Anaconda" was sliced up, ironically increasing its overall value and his personal wealth. The lessons of the tale for modern giants are not in that literal ending. It is conceivable, but only just, that the Justice Department's suit against Microsoft would lead to its break-up. The more important conclusion is the depth of the roots of the US public's antipathy to its corporate heroes, and how that has shaped today's attitudes to business.

It was public hostility to Rockefeller that fuelled the emergence of the investigative business press, crowned by the famous 19-part series on Standard Oil by McClure's Ida Tarbell. "The schizoid American worship of millionaires was shot through with envy and a desire to see these demigods punished and desecrated," says Mr Chernow. It was Rockefeller, too, who helped to write the contract of philanthropy that America still extracts from its billionaires: lavish enough donations to education or science will be accepted, grudgingly, as proof that the ore has a human heart. Partly because of Rockefeller, big business became worthy of political attention. The greatest mistake he made in his career, as did Mr Gates, was to ignore Washington in the belief that it would forever ignore him.

Titan: The Life of John D. Rockefeller Sr by Ron Chernow, Little, Brown £25, Random House \$30.

Hailing a new route to world of e-commerce



There is a rather patronising maxim used regularly in the consumer technology industry that states "if your granny can use it, then it must be good". So far, the vast majority of Internet products and services fail this test.

Getting online requires buying a PC, wiring it up, and opening an Internet account. If you then decide to make a purchase you have to fill in several pages of information about yourself and type in what seems like a six million digit credit card number.

Taxi, a small British high-tech venture founded by two brothers, Jonathan and Tim Hammond, believes it has found a solution.

So far it has received backing from Chrysalis, the media company, which has bought a 15 per cent stake in the company for more than £500,000. Chrysalis now plans to help Taxi to float on the Nasdaq stock market next year.

Taxi has developed a software product that guides users around the Internet and allows them to buy goods from different companies while receiving only one bill a month. The product is distributed via a CD-Rom, but is also designed to be used with digital television set-top boxes.

The company has signed agreements with several large companies (such as supermarket groups and banks), on the basis that it will get a small cut of all cash spent on goods and services by Taxi users.

Because the software comes on CD-Rom, a lot of product browsing can be done offline, thus saving telephone charges. Taxi users simply press a button to be sent to one of their favourite sites — for example,

Sainsbury online — and then buy whatever they want. Instead of being charged by the Sainsbury site, users receive a monthly bill from Taxi. Because Taxi users do all their shopping through one piece of software, advertisers can target customers more efficiently.

The concept of Taxi becomes even more attractive when considered in the context of digital television. If ONdigital or Cable & Wireless were to use Taxi as a means of accessing the Internet, it could become truly mass-market.

But Taxi faces stiff competition and there is no reason why digital broadcasters would not want to develop or buy in similar technology.

□ MUSIC produced by well-known artists could soon become available on DVD — the format expected to replace both VHS and CDs — in Europe, following a deal between Sonic Solution, the US software company, and Sonopress, of Germany. DVD-Audio discs, which are produced and replicated by Sonopress, can store seven times as much information as standard CDs, and allow better quality sound plus other content such as lyrics and interviews.

CHRIS AYRES

Dome groan

AN EXCITED Peter Mandelson will be on hand this morning as the New Millennium Experience Company celebrates the fact that there are just 400 days till D-Day. No doubt there will be further news about what will actually be in the Dome, but there are also likely to be some taxing questions about cash.

For I hear that little progress has been made in signing up some of the corporate sponsors who are supposed to be helping to pay for the Dome. McDonald's was due to announce a £12 million deal, but a row about whether

American burgers are quite the appropriate sponsors of a British exhibition has held that up. Ford, of Europe, is still in talks about putting in a further £12 million, but that is moving more slowly than a Capri with a broken camshaft. And Reuters is ready to hand over a cheque for £6 million, but no one seems to be willing to take it off its hands.

Of course, Liam Kane, the boss of the Dome, may be so inundated with offers that he can afford to be blasé. But somehow I doubt it.

I AM indebted to Building magazine for sending me its special ten-page feature profiling the winners of the 1998 Brick Awards. One to cut out and keep.



Taste test

CONSIDERING the sheer scale of GrandMet and Guinness, their merger has gone surprisingly smoothly. Alas, in one small corner of the in one small corner of the Diageo empire all is not going quite according to plan.

A chum tells me of the group's recent attempts to promote Mal-



hold a Malibu and pineapple party in Prague. The function appeared to be going pretty well, but at the end there seemed to be rather a lot of the stuff left. When quizzed by my man, the barman confessed that most guests shunned the free Malibu and dipped into their pockets to buy a beer.

Flower power

THE search is on for the IT Personality of 1998, run by *Computer Weekly*. Normally I would be tempted to suggest this could be a long and fruitless task. But this year's shortlist is enlivened by David Potter, the boss of Psion, whose joint venture with Ericsson, Motorola and Nokia has done wonders for Psion's share

top prize is the colourful Gwyneth Flower, the former Army officer who now plays Robin to Don Cruickshank's Batman at Action 2000, the Government's millennium bug-busting task force.

Incomparable

AT GRANADA's annual results presentation yesterday I was intrigued to hear chief executive Charles Allen outline plans to turn the group's Heritage Hotels chain into an "affordable Relais & Châteaux". Could this have anything to do with the recent hiring of Michel Bouquier, a senior Relais executive, to drive the new Heritage strategy? "I don't really see how one can compare them," sniffs a Relais spokeswoman.

Liffe laughter

EUREX, the German electronic rival to Liffe, has become a victim of its own success. City traders who rushed in droves to sign up are now complaining that the system can't handle the increase in volumes: the Futures and Options Association has identified no fewer than 35 clearing problems.

Eager to nip any user-revolt in the bud, Frankfurt has flown across its top brass to respond to the complaints. Some 40 City firms were presented in

last night hosted by Jorge Franke, the Eurex chief, to vent their spleen. Few tears will be shed at Liffe's Cannon Street HQ.

THOSE of you fortunate enough, like myself, to be invited to today's Guinness and Oyster Luncheon at Mansion House are in for a treat. Tommy O'Neill will be displaying the skills that won him the title of the world's fastest oyster-shucker, while Lord Levene of Portoken, the Lord Mayor of London, will be pulling pints of the black stuff. Given the vast quantities of both normally devoured at these banquets, I hope the duo know what they are letting themselves in for.

DOMINIC WALSH



EXCLUSIVE COMPETITION THE TIMES

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Today The Times offers readers the exclusive opportunity to play against the world chess champion Garry Kasparov in his charity chess display on Wednesday, December 16, 1998, at the Berkeley Hotel, Knightsbridge, London SW1.

Kasparov will face 25 tables of five people. The Times has two of the 25 tables exclusively for our readers.

In 1993 The Times organised a world chess championship held at the Savoy.

Theatre in London between Garry Kasparov and Nigel Short and we are proud to continue this association with the world chess champion.

This week Raymond Keene, Times chess correspondent, is featuring a selection of Kasparov's greatest triumphs against players such as Anatoly Karpov, Nigel Short, Vassily Ivanchuk, Vladimir Kramnik, Viswanathan Anand and IBM's Deep Blue computer.

HOW TO ENTER Call our competition hotline before midnight Saturday, December 5 with your answer to this question: *Who is the youngest world chess champion in history?*

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CHANGING TIMES

BT invests \$10m in Internet company

By Chris Ayres

BRITISH TELECOM made a further move into the fledgling Internet industry yesterday with a \$10 million (£6 million) investment in Excite, the US media company.

The deal involves BT — which is involved in British Interactive Broadcasting, the digital television venture, and LineOne, the Internet access business — taking a 50 per cent stake in the British subsidiary of Excite. One of the first products to evolve from the investment will be Excite Click, a pay-as-you-surf Internet access service.

Excite began life as a search engine — allowing web users to find different Internet sites — and now offers its own personalised content, covering areas such as news, music and sport. It also offers free e-mail and online shopping. Excite's main source of revenues comes from advertising sold via its main Internet site.

George Bell, chief executive of Excite, said: "Our expertise in providing compelling, personalised content, married with BT's established reputation with UK consumers, enables us to create a joint venture with Excite UK that has the potential to take a leading position in the growing UK Internet market." Shares in Excite, which are quoted on the Nasdaq stock market in the US, have risen fivefold over the past 12 months. The company is capitalised at \$25 billion, in spite of a net loss of nearly \$40 million for the nine months to September 30.



Richard Baldwin, chairman, right, and Ray Stidwell, finance director of Baldwin Industrial Services, the crane specialist that floated in July. The company reported pre-tax profits of £2.3 million for the six months to September 30, up from £1.7 million last time, on turnover of £16.4 million (£14 million). Earnings were 9.6p and the interim dividend was 1.2p

Johnson Matthey to hive off electronics arm in US

By Carl Mortished, International Business Editor

JOHNSON Matthey, the precious metals and engineering group, plans to hive off its electronics business as a separate US company, in an effort to secure greater shareholder value.

The electronics business that makes circuit boards and laminate packaging for semiconductor manufacturers suffered a 29 per cent slide in profits in the first half as prices were hit by the slump in the computer chip market. Johnson Matthey's group pre-tax profit was up 10 per cent in the half-year, to £61.6 million mainly due to cost-cutting and recovery in the ceramic materials arm.

Chris Clark, chief executive, said that CSFB, the investment bank, had been appointed to look at all the options, including a flotation or sale.

"It is abundantly clear that we are not being credited with a proper valuation of the electronics business," he said.

He said that electronics was primarily a US business supplying US companies such as Motorola and Intel and would enjoy a better perception from US investors.

Analysts were sceptical, but Johnson Matthey shares lifted 22p yesterday on the hope that there was at least £1 of upside in the share price, assuming that the business would fetch

about £500 million, roughly 14 times its sales.

One analyst said Johnson Matthey's problem was that electronics required too much investment. "The technology changes every two years and you don't see any return for that investment," he said.

Johnson Matthey has invested some £450 million in electronics, including the Chipewa Falls laminate packaging plant hailed two years ago as a potential profits motor.

However, price erosion has squeezed margins and in the first half profits fell from £18 million to £12.7 million.

Johnson Matthey shares

have plummeted from almost £7 last year to £4.

Under the new strategy, Johnson Matthey will combine its chemical and automotive catalyst businesses. The catalysts and chemicals business achieved a £35 million operating profit with European catalyst sales up significantly.

Profits at the precious metals business were up 12 per cent to £16.6 million and ceramic materials gained 29 per cent after heavy cost-cutting, despite a fall in sales.

Johnson Matthey is paying an interim dividend of 5.7p as a foreign income dividend, up 10 per cent on last year.

Sugar to hold on to 40% stake in Spurs

By Jason Nisse

ALAN SUGAR, the chairman of Tottenham Hotspur, signalled yesterday that he would not be selling his 40 per cent stake in the club after taking over the role of chief executive.

Mr Sugar, who is also chairman of Amstrad, is taking over from Claude Littner. Mr Littner, who took over as chief executive from Terry Venables five years ago, will remain as a non-executive director.

Mr Sugar said yesterday that he "will take a more hands-on approach in the day-to-day management of the business" and Mr Littner said that Mr Sugar had given up trying to sell the club.

Earlier this year it emerged that Mr Sugar had been in talks with Enic, the investment company with interests in six European football teams, about selling his stake. Enic believed it had a deal to pay 80p a share for Mr Sugar's holding, a deal that would have led to an offer for Spurs, but Mr Sugar changed his mind at the last minute.

Mr Littner said: "There is now no possibility at all that Alan is going to be a seller of the club. He is now focused on running it."

He added that his departure was amicable, with Mr Sugar offering him the chance to stay on for another five years, but that Mr Littner wanted a new challenge.

Spurs has been at the centre of bid speculation in recent months, with many analysts arguing that Carling Communications may now look at the club after having been spurned by Arsenal. Spurs's North London rivals, Manchester United, have been in the market for a long time.

Spurs shares slipped 2p to 75p on the news.

BUSINESS ROUNDUP

NHP pushes ahead with bond issue

NHP, the property investment company that has bought £350 million of nursing homes since it set up three years ago, hopes early next year to sell bonds backed by £200 million of its leases. The recent turmoil in the bond markets had threatened the plans. Richard Ellert, chief executive, said: "In October, we would not have got it away." He added that NHP still had sufficient credit available to continue buying properties from nursing home operators. NHP suggested that the yield on its securitisation issue was likely to be between 6.5 and 7 per cent.

The group's "spectacular" growth — it was reporting annual pre-tax profits up 143 per cent at £7.8 million — means that Mr Ellert will next month receive 2.5 million shares currently worth about £4 million. Arthur Bergbaum, chairman, Jeremy Davies, estates director, and Danny Francis, finance director, will share a further 2.5 million shares from an incentive scheme. The issue of the management shares dilutes NHP's net asset value from 161.55p to 155.73p a share. NHP is paying a final dividend of 2.4p a share, increasing the total 34 per cent to 8.4p. On the new shares issued in August to raise £91.4 million, it is paying a final dividend of 1.2p. *Times, page 32*

Victoria progresses

VICTORIA, the manufacturer and distributor of carpet yarn and carpets, said that the group had "made excellent progress despite difficult conditions". Pre-tax profit was £472,000 for the six months to September 30, up from £82,000 last time. Turnover was £18 million (£18.8 million) and earnings per share were 4.61p (0.82p). There is again no dividend. Bob Gilbert, chairman, said: "The autumn trading season, normally an active period for carpet sales, has started slowly but demand for our new products remains at encouraging levels."

Beazer ten-year loan

BEAZER GROUP, the UK construction group, completed a private placement of £67 million of ten-year senior loan notes to a group of insurance companies in Britain and America. The notes, which are unsecured, are repayable in full in November 2008. In the UK Beazer raised £20 million and in the US it raised \$80 million, which has been swapped into £47 million. The company said this long-term financing, at a fixed rate of interest of just under 7 per cent, extends the group's borrowing facilities at an attractive rate.

Price fall hits Abacus

ABACUS POLAR, the distributor of electronic components, has blamed over-capacity and falling prices for reduced profits. For the year to September 30, pre-tax profit was £7 million, compared with £10 million for the previous period. Turnover was slightly higher at £99.6 million (£98.9 million) while earnings per share slipped to 11.1p (14.8p). The final dividend of 4.4p gives a total for the year of 6.6p (6.0p). Harry Westropp, chairman, said he "believes that in 1999 the company will return to a path of earnings growth".

Radstone improves

RADSTONE TECHNOLOGY, a supplier of computer sub-systems, yesterday reported a pre-tax loss of £240,000, excluding exceptional items, for the six months to September 30. This was an improvement on the loss of £1.17 million for the comparable period last time. Turnover was little changed at £10.09 million (£10.06 million) and losses per share were 3.54p (7.09p). Rhys Williams, chairman, said that cost reductions coupled with lower silicon component prices created the basis for a more efficient and profitable business.

Record figures for E&Y

THE relentless rise of the Big Five accounting firms continues with Ernst & Young announcing record results to maintain its third place in the market (Robert Bruce writes).

Fee income for the year to June 26 rose 19 per cent to £633 million, while average profit per partner advanced 19 per cent to £308,000 and partnership profit

before tax jumped 24 per cent to £126 million.

Over the past three years the total partnership profit before tax has risen 104 per cent, profit per partner by 80 per cent and fee income by 57 per cent. In 1994 fee income was just £385 million.

Nick Land, the chairman of Ernst & Young, said: "Whatever the market conditions I be-

lieve E&Y can outperform the competition."

□Pannell Kerr Forster, the UK's eighth-biggest accounting firm, saw fees for the year to April of only £74.4 million, compared with £72.7 million; average profit per partner was £126,000 (£112,000).

Accountancy, page 35

Hi-Tec runs at a loss

HI-TEC, the sports shoe group, has failed to find a US buyer after seven months of searching and, due to difficulties in the North American market, is set to make a loss in the first half (Sarah Cunningham writes).

The company also said that it was to part company with the head of its US operations.

After 18 years with the group, Terry Mackness is to be replaced by Jonathan Caplan, who has worked for the Start Rite Corporation and has spent 21 years in the shoe industry.

Hi-Tec shares fell from 25p to 18p after it said that its interim results, for the six months to October 31, would show a

trading loss. It said that it "confidently expects to report a profit for the full year albeit at a lower level than for the previous year".

The company said that it had received a number of approaches, but they did not reflect the group's long-term potential. The shares traded at 51p earlier this year.

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THE SUNDAY TIMES

ENTERPRISE NETWORK

Clouds on the horizon after the gold rush

ANYONE who has been following the gold rush in the UK, the search for a new home for the gold mining industry, will be aware of the fact that the industry is in a state of flux. The industry has been hit hard by the recent downturn in the gold price, and many companies are struggling to stay afloat. The industry is also facing a number of challenges, including the need to find new sources of funding and the need to improve its efficiency. The industry is also facing a number of challenges, including the need to find new sources of funding and the need to improve its efficiency. The industry is also facing a number of challenges, including the need to find new sources of funding and the need to improve its efficiency.

ROBERT BRUCE

Challenge of auditing the opposition

Simon Bevan says that reviewing a rival's accounts has led his firm to consider its own external review

"YOU'VE BEEN appointed to audit Ernst & Young? That's a bit strange, you two compete." This was a typical reaction from the managing partner of one of my professional practice clients when our appointment as first auditors of Ernst & Young's UK partnership accounts was announced earlier this year.

My firm acts as adviser to a large number of professional partnerships, including some of the most reputable firms in law, surveying and consulting. We add value to our clients, not simply because we are good accountants who take a pride in understanding business and growth dynamics. Of equal importance is the experience of being a partner in a successful growing practice: this gives us an empathy with that most eccentric of business vehicles, the partnership.

When the opportunity came to tender for Ernst & Young, we were flattered, and we were excited. However, could we add value? BDO prides itself on an unequivocal focus on growing businesses and the entrepreneurs behind them. E&Y

is certainly a growing business and has the justifiable reputation of being the most entrepreneurial of the very large business advisory firms. But it is a business advisory firm. What would it want to learn from us? It became clear during the bid process that it was looking for a firm that would do more than audit the accounts. It wanted an empathetic team to act as a sounding board on accounting matters, but also to offer an informed view on the present and future business issues.

And so we were appointed, and one of the most challenging audits I have ever been involved in commenced.

All auditors appreciate the importance of the mantra "Understand your Client's Business", and we knew that our knowledge of BDO did not guarantee a similar knowledge of Ernst & Young. The two firms do compete in some areas, but there are also many areas where we don't even feature as blips on one another's radar screens.



Simon Bevan found auditing E&Y to be a great challenge

rate recovery work required review, as did the global shared economic interests between various firms within Ernst & Young International and the professional indemnity insurance position with both global and UK

captives. We had experience of these areas, but it took our audit to give us understanding.

Working with professional practices requires an understanding of the partnership dynamic. Like a public company,

they have many owners, but each owner works in the business. Each partner delegates a large amount of management responsibility to others, but expects to be kept informed of how the business is doing, and fairly regularly. And, of course, each partnership deals with these issues differently. I believe that partnerships, and especially large partnerships, have grappled with, and resolved, the issues of corporate governance before it ever became a term of art.

A vital part of our work, therefore, was the need to recognise that special accounting concept that applies to partnerships: equity between partners and between generations of partners. E&Y produces a revealing annual report. Although plo-style, its accounts are unashamedly those of a partnership. What does this mean? The way I have always thought of it is that partnerships should report to partners on a "true and equitable" basis. That is how I like to be treated as a partner in BDO. This is also something that E&Y's chairman, Nick Land, is very clear on.

In addition to promoting its open culture, one of E&Y's stated objectives in appointing external auditors was to prepare the business for the inevitable need for an audit on future con-

version to a limited liability partnership (LLP). Now that there is a real prospect of UK LLP legislation in the next Parliament, there is much work to be done by the accounting profession in determining recommended practice for LLP accounts. One of the most difficult issues will be whether such accounts should show a corporate "true and fair" view, or whether it will be possible to have principles that will show the "true and equitable" view.

Our impressions of our new client? At our recent audit debriefing meeting, we agreed that we were dealing with a highly professional team, with substantial resources. They had been open in disclosing information and receptive to our advice.

And the audit process has contributed to our own thinking. Aside from the technical issues that have enriched our experiences of similar work for other professional firms, it has led us to consider an external review of our own accounts. For the past three years, we have published abbreviated accounts; the logical next step is to subject them to external scrutiny.

Simon Bevan is chairman of BDO Stoy Hayward's professional practices group.

A decision based on Merrett?

TODAY sees the first set of accounts to be issued by Ernst & Young with an independent auditor's report attached. As you can imagine there was tough competition when the post of auditor was up for grabs last year. BDO Stoy Hayward won it.

But one of the other firms going for the job was Robson Rhodes. Unfortunately, one of the events in the past few years that is etched on E&Y's psyche is the amount of cash it had to pay out after a court decision over Merrett, the Lloyd's broker. The lead expert witness in the case against E&Y was Frank Atwood of Robson Rhodes. And who should be leading Robson Rhodes at the beauty parade for the E&Y audit post? The same Frank Atwood.

Heirless

DOWN at the English ICA headquarters at Moorgate Place there are distinct worries that the cupboard is bare. Recent years have seen a strong line-up in the presidential stakes. This year's president, Chris Swinson of BDO Stoy Hayward, can only be described as heavyweight. Next year's is Dame Sheila Masters, KPMG partner and

number two on the Court of the Bank of England. Then there is Graham Ward, the robust head of energy at Price-waterhouseCoopers.

Who will follow this trinity? The word is not only that no one has been put forward but that there is no one left on the council who could mesh up. The nominations committee is believed to be looking at bringing in an outsider in for the first time in its history.

Artistic licence

THE Birmingham office of Ernst & Young is celebrating in style. It is sponsoring a huge exhibition of one of Birmingham's lesser-known famous sons, the Pre-Raphaelite artist Sir Edward Burne-Jones. And they are following the pattern of past sponsorship of Cézanne and Bonnard at the Tate Gallery.

Few of Birmingham's best and brightest will not have dined at the City Art Galleries with E&Y partners by the time it closes in January.

But it is particularly proud of the fact that the exhibition started at the Metropolitan Museum and will move on to the Musée D'Orsay, thus allowing them to parade the show under the "New York, Birmingham, Paris" banner of which it is justly proud.

ROBERT BRUCE

Clouds on the horizon after the gold rush

ANYONE who doubted the strength of the large accountancy firms should take a look at the summary of the past five years' figures in the back of the accounts of Ernst & Young, which are published today. It shows that in 1994, which is not that long ago, fee income stood at £385 million. This year the figure is £633 million. It is an extraordinary record of growth. In the same time the average profit per partner has risen from £177,000 to £308,000.

The partner figures may look small compared with those at the largest law firms. But the figures overall underline just how strong growth in the accountancy and professional services business has been in recent times. In the accounts Nick Land, E&Y's

chairman, argues that it is the result of investment: "It is now six years since we began the process of fundamentally changing many aspects of the firm, in anticipation of the significant changes that would affect the business world for much of the late 1990s and beyond. During that time, this process of change has brought substantial benefits to our clients, our people and our business."

That, on the surface, is what is happening at all the huge accounting firms. But there is another reason and it is to do with changes in the way companies see themselves. Over the past decade, Land would argue, "companies have realised that they cannot be islands". What he means by that is that they have decided that they cannot be self-sufficient. The best ideas and innovations do not all come from inside. The source of a competitive advantage can lie outside the business. Where a company is trying to gain its competitive advantage is via its supply chain perhaps, or through bright ideas and innovations from outside.

This has obviously suited the accounting firms. They pride themselves on being full of bright ideas. And the real change in the process over the past decade or so has been that they have organised themselves in such a way that bright ideas and knowledge can be provided in a formal way to clients as part of the process.

"Accounting firms," Land argues, "have abundant intellectual capital. Companies are desperate for new ideas and competitive advantage and so accounting firms do very well." So if there is a secret

to the success of the accountancy profession in recent years that is it.

Information is the great key to corporate success. The accounting firms have lots of it. The thirst for it is unlikely to abate. If anything, the demand is going to continue to rise.

So does this mean that accounting firms sit on the same curve moving ever upwards? There are two factors that might knock them off course. The first is greater restrictions on what they do.

The second is the loss of their markets to other competitors. The case between Prince Jefri and KPMG over conflict of interests which currently awaits a detailed judgment from the House of Lords could be a pointer. Accounting firms embrace everything that they can. Inevitably there are conflicts of interest. But they can be managed and the detail in the Appeal Court judgment suggests that, by and large, they are. If anything "Chinese walls" work better in larger organisations. Different parts of the firms tend to be in different buildings. Rules on Chi-

nese walls could affect legal firms, where smaller staffs are closer, much more than accounting firms. But it is all about how far such cases push the accounting giants above the parapet and how far public opinion forces restrictions. There have always been pressures via Europe for firms to split audit and consulting roles as well.

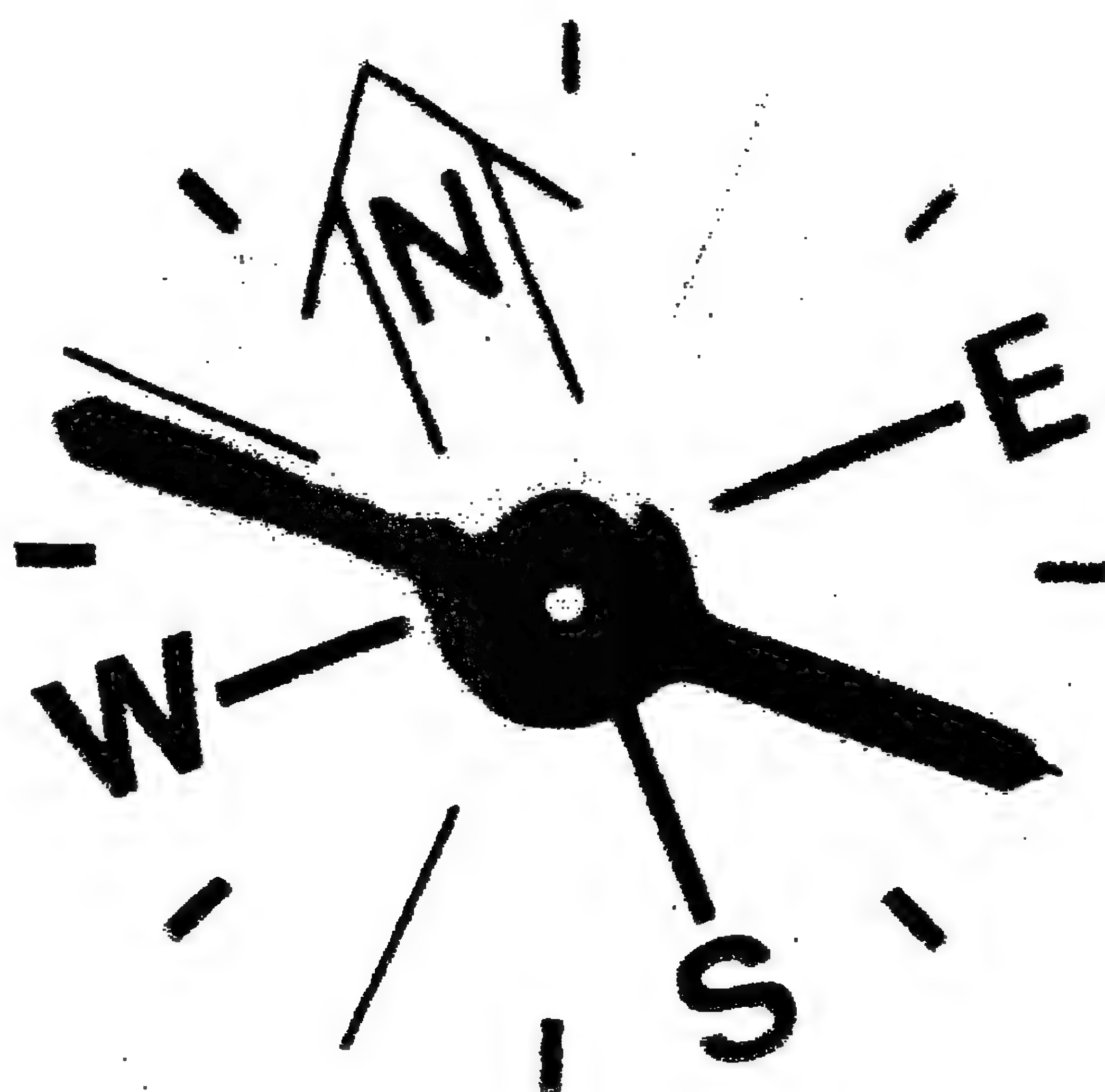
And then there is the firms' vulnerability to other competitors. At the moment they have the field pretty much to themselves. But restrictions on parts of their business could let others in. And, to an extent, the firms have opened themselves up to attack. They have moved so far from their accounting core to services that cover all disciplines of business. They are in danger of relying on business which realistically any professional services firm could provide. And that can only mean greater competition. The ploy of refusing to be called accounting firms anymore and business and financial advisers instead can only disguise the position for a while.

Accountants are resilient, imaginative and commercial. That is why the E&Y figures show such growth. But as an old friend of mine would put it: "banisters lead both up and down — the difference is only in the direction you travel." Times may get tougher sooner.



ROBERT BRUCE

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Scandinavian Airlines

THE TIMES THURSDAY NOVEMBER 26 1998

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1. 10/11/50

Equities extend losses

TRADING PERIOD: Settlement takes place five business days after the day of trade. Changes are calculated on the previous day's close, but adjustments are made when a stock is ex-dividend. Changes, yields and price/earnings ratios are based on middle prices.

High	Low	Company	Price	Change	%	High	Low	Company	Price	Change	%
446	442	Alcoa	44.5	-0.5	-1.1	446	442	Alcoa	44.5	-0.5	-1.1
442	438	Alcoa	43.8	-0.4	-0.9	442	438	Alcoa	43.8	-0.4	-0.9
438	434	Alcoa	43.4	-0.4	-0.9	438	434	Alcoa	43.4	-0.4	-0.9
434	430	Alcoa	43.0	-0.4	-0.9	434	430	Alcoa	43.0	-0.4	-0.9
430	426	Alcoa	42.6	-0.4	-0.9	430	426	Alcoa	42.6	-0.4	-0.9
426	422	Alcoa	42.2	-0.4	-0.9	426	422	Alcoa	42.2	-0.4	-0.9
422	418	Alcoa	41.8	-0.4	-0.9	422	418	Alcoa	41.8	-0.4	-0.9
418	414	Alcoa	41.4	-0.4	-0.9	418	414	Alcoa	41.4	-0.4	-0.9
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402	398	Alcoa	39.8	-0.4	-0.9	402	398	Alcoa	39.8	-0.4	-0.9
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394	390	Alcoa	39.0	-0.4	-0.9	394	390	Alcoa	39.0	-0.4	-0.9
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374	370	Alcoa	37.0	-0.4	-0.9	374	370	Alcoa	37.0	-0.4	-0.9
370	366	Alcoa	36.6	-0.4	-0.9	370	366	Alcoa	36.6	-0.4	-0.9
366	362	Alcoa	36.2	-0.4	-0.9	366	362	Alcoa	36.2	-0.4	-0.9
362	358	Alcoa	35.8	-0.4	-0.9	362	358	Alcoa	35.8	-0.4	-0.9
358	354	Alcoa	35.4	-0.4	-0.9	358	354	Alcoa	35.4	-0.4	-0.9
354	350	Alcoa	35.0	-0.4	-0.9	354	350	Alcoa	35.0	-0.4	-0.9
350	346	Alcoa	34.6	-0.4	-0.9	350	346	Alcoa	34.6	-0.4	-0.9
346	342	Alcoa	34.2	-0.4	-0.9	346	342	Alcoa	34.2	-0.4	-0.9
342	338	Alcoa	33.8	-0.4	-0.9	342	338	Alcoa	33.8	-0.4	-0.9
338	334	Alcoa	33.4	-0.4	-0.9	338	334	Alcoa	33.4	-0.4	-0.9
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330	326	Alcoa	32.6	-0.4	-0.9	330	326	Alcoa	32.6	-0.4	-0.9
326	322	Alcoa	32.2	-0.4	-0.9	326	322	Alcoa	32.2	-0.4	-0.9
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294	290	Alcoa	29.0	-0.4	-0.9	294	290	Alcoa	29.0	-0.4	-0.9
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194	190	Alcoa	19.0	-0.4	-0.9	194	190	Alcoa	19.0	-0.4	-0.9
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2	0	Alcoa	0.0	-0.4	-0.9	2	0	Alcoa	0.0	-0.4	-0.9

High	Low	Company	Price	Change	%	High	Low	Company	Price	Change	%
100	98	Alcoa	98.5	-1.5	-1.5	100	98	Alcoa	98.5	-1.5	-1.5
98	96	Alcoa	96.5	-2.0	-2.0	98	96	Alcoa	96.5	-2.0	-2.0
96	94	Alcoa	94.5	-2.0	-2.1	96	94	Alcoa	94.5	-2.0	-2.1
94	92	Alcoa	92.5	-2.0	-2.2	94	92	Alcoa	92.5	-2.0	-2.2
92	90	Alcoa	90.5	-2.0	-2.3	92	90	Alcoa	90.5	-2.0	-2.3
90	88	Alcoa	88.5	-2.0	-2.3	90	88	Alcoa	88.5	-2.0	-2.



DANCE
Shapely the Frankfurt Ballet in London
PAGE 40

THE TIMES ARTS

THEATRE
Robert Wilson
digs deep in
Strindberg
PAGE 41



Torso, talent and a brain to match

No wonder that Courtney Love finds Edward Norton congenial. Lesley O'Toole meets Hollywood's new hunk

I must be dispiriting for a young actor when I tell him that he is a mile to get away from him. That happened to Edward Norton when his debut film, *Primal Fear*, was released on video a couple of years ago. "They would scream and run away when they saw me. That is extremely disconcerting when you think they are going to scream and run right at you. I'd be thinking: 'I guess I took the wrong kind of part'."

His latest screen incarnation — a sickening neo-Nazi skinhead — is eliciting equally feverish female reactions in America. "Every woman was drooling over his body," said an English actress who attended the Los Angeles premiere of *American History X*.

Norton looks down at his shoes in embarrassment. "It's the furthest I've ever gone away from myself, physically," he says with characteristic understatement of the well-defined muscle-tone displayed in the film. But the physique is matched by fine acting, and Norton's performance should earn him his second Academy Award nomination (his first was for *Primal Fear*).

The self-effacing Norton will concede that this is "the performance and the film I think I'm most proud of. It's not a story about skinhead culture per se; it's about a family in crisis in Los Angeles."

His own enthusiasm is tempered somewhat by the controversy surrounding the film, which will be released in Britain next year. Its British director, Tony Kaye — best known for the innovative visuals of his commercials — does not agree with the film's final cut. After trying unsuccessfully to have his name removed from the credits, Kaye took out a series of cryptic advertisements in the Hollywood trade press

begging support from his cast. Norton, meanwhile, is keen to refute rumours that the version released was his own edit, as reported in America. "There's no 'my version'. This is the last version Tony gave them. People in the industry know about Tony's compulsion with hype art and the fact that he likes to create controversy, but I don't think anyone thought he would do it around a really good piece of his own work."

"Always there are pressures to move away from acting, which is a very long-odds lifestyle"

American History X is certainly a better film than Norton's current release, *Rounders*. It is the third film directed by a respected maverick of the independent film world, John Dahl, whose *The Last Seduction* and *Red Rock West* made stars of Linda Fiorentino and Nicolas Cage.

Norton says he was "very excited" to work with Dahl. "He's a real director, not a journeyman. He has a very distinct visual style and sensibility which I've liked in all his movies. That combined with the script and the opportunity to work with Matt Damon suggested this would be a high quality experience."

He characterises his screen partnership with Damon in *Rounders* as that of "good friends, but friends who have

moved on and are slightly out of sync. In his own weird way, I think Worm helps free Mike to be what he's supposed to be, and I really like that theme. I like the idea of people pushing you and giving you the courage to take the risks you need to take to be happy."

Has Norton had to be pushed in real life to take risks? "Yes, and I have done that for other people too. There are always pressures that make you want to move away from acting, which is usually a very long-odds lifestyle."

Norton calls Worm "a cowboy philosopher, a renegade. I did really relate to him, not because I think he's like me, but because he is the charming guy we have all run into. He makes everything seem exciting — but then you find yourself thinking: 'How did I get involved in this?'"

As always, Norton's performance is seamless: he becomes the character so completely that one forgets this is an actor playing a role. "That's the thrill of it for me. That is the compulsive interest I have in being an actor. I enjoy submerging myself in different realms of experience."

"It's not about hauling up my own experiences or being myself. I am myself every day. I don't need to explore that. I'd rather be an empathetic sponge for other characters."

Other directors Norton admires and has worked with include Woody Allen and Milos Forman. "I did *The People vs Larry Flynt* not because I thought it was an important film, but because I would carry Milos Forman's lunch box if he asked me to. I would put him and Woody Allen in my list of top five favourite filmmakers of all time."

Not surprisingly for a highly educated actor (he read history at university and speaks



Edward Norton: the row about his new film, *American History X*, won't harm his chances of winning an Oscar nomination

Japanese), Norton's passion is the theatre. He is a board member of the Signature Theatre Company which, like most in New York, wages what Norton terms "a constant funding battle" — no doubt partly alleviated by financial help from the actor himself.

He knew the American playwright Edward Albee, who asked Norton if he would act in one of his plays when Signature staged it. Enthralled by his fellow cast-mates and the company in general, Norton joined — and was soon elected to the board. "I do feel that, al-

most without exception, the actors I have really admired have come from a theatrical background," he says.

One exception is the rock singer Courtney Love, with whom Norton worked on *The People vs Larry Flynt*. Their relationship is an open secret in Hollywood, but one which the notoriously private Norton refuses to comment on. He did, though, take an unusually public step recently, by writing to *The New Yorker* in response to an unflattering piece that the magazine ran about Love. He will confirm as

much, although he will not mention Love's name as the subject of the offending article.

"That had to do with the fact that I am friends with the person who was the victim of an absurdly sexist and intellectually shallow piece of writing. It was an example of a really worrying trend in journalism, which is that tabloids have become the arbiters of legitimate news. That really cheap unconstructed tabloid stuff now filters right through to the likes of American newspapers like *USA Today* and *The New York Times*."

It was *USA Today* that printed details of a birthday party Love threw for Norton at a Los Angeles hotel earlier this year — at which guests reportedly included a bevy of credible Hollywood stars and, oddly, the Spice Girls. Are the girls close intimates of his? "I don't know what you're talking about," he deadpans, then laughs loudly. Norton, it seems, does not take himself quite as seriously as he would like us to think.

● *Rounders* is on general release in Britain

Cliff struts his funky stuff

It is eight o'clock on the eighth night of Cliff Richard's 32-date residency at the Albert Hall, and bingo halls across the land are already feeling the pinch. Outside the venue the coach drivers snatch forty winks. Inside, serried ranks of women with first-hand memories of Richard's 40-year career and, in many cases, well beyond, patiently await the first glimpse of their idol.

Then, as the Royal Philharmonic Concert Orchestra strikes a long, dramatic note, the 58-year-old singer slowly rises, with a theatrical flourish, from beneath the centre of the circular stage. Wearing a pristine white suit, he stands for a moment, arms aloft, amid a swirling cloud of dry ice. The effect is an odd combination of *Saturday Night Fever* and *Dracula* rising from the grave. "God is watching us from a distance," he sings in the Julie Gold song *From a Distance* — his opening number and a minor hit for him in 1990 — after which he wishes everyone present a nice evening.

The show which unfolds over the next two and three-quarter hours is more light entertainment than pop, let alone rock'n'roll. The many ballads, such as *Miss You* and *Butterfly Kisses*, are dispatched in his light, accurate tenor with all the earnest sentimentality you would expect.

But even vintage uptempo numbers such as *Do You Wanna Dance* and his best-ever single, *It'll Be Me* — now all of 36 years old — are hobbled by staggeringly innocuous ar-

rangements, their original spirit diluted like beer drowned in lemonade. Only his first hit, *Move It*, retains anything of its original raw appeal, but that performance is marred by Richard shamelessly pretending to play the guitar solo, which is really being played offstage by the highly regarded session musician, John Clark. It is a conceit which rather undermines the star's scrupulously pleasant manner.

Richard spends a surprising proportion of the evening trying to interest the adoring crowd in his new album, *Real*

POP
Cliff Richard
Albert Hall.

As I Wanna Be. His determination to live in the present rather than constantly hark back to past triumphs eventually pays dividends, and his enthusiasm for the R&B-influenced arrangement of the title song and a coo-gospel workout called *The Miracle* is contagious.

But, like a compass returning to magnetic North, the show inevitably swings back to old standbys including the likes of *We Don't Talk Anymore*, *Daddy's Home* and *Devil Woman*, the latter prompting Richard to throw some worryingly creaky stalking-cat shapes.

He leaves the stage floor littered with confetti, his arms piled up with gifts from the fans: roses, balloons, flowers, a bottle of liquor. The doors open and everyone floods out. Only another 24 nights to go.

DAVID SINCLAIR

THE WEDDING SINGER
Entertainment, 12, 1998
HOW do you get two people obviously meant for each other to realise this themselves, free themselves from entanglements, and tie the knot? This is an age-old problem in romantic comedy, but there's nothing stale about its treatment in Frank Coraci's exuberant film, starring Drew Barrymore and Adam Sandler. He's a performer at weddings and bar mitzvahs, she's a waitress; and miraculously, both seem like real people. Available to rent.

GEOFF BROWN

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SKY
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VICTORY

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Jennifer Lopez, as a federal marshal, and George Clooney, as a laidback criminal, fall sweetly in love in Steven Soderbergh's *Out of Sight*

Hooked on a felon

NEW MOVIES: George Clooney and Jennifer Lopez delight in the excellent *Out of Sight*, says Geoff Brown

You sit in the Pepsi Imax Trocadero cinema wearing a headset that makes you resemble a cross between a motorbike dispatch rider and a cast member of *Star Trek*. The lights go down and the bombardment starts. Rock chip-chips and dinosaur jaws leap from the huge screen in front, seven storeys high, and dangle themselves before your eyes. *T-Rex: Back to the Cretaceous*, a 40-minute 3-D showpiece for the Imax screen, offers the week's silliest spectacle. Where else can you reach out to stroke the bumps of a Tyrannosaurus Rex, or see 3-D photography lavished on something as dull as a lavatory door?

But all the technical gimmicks in the world cannot compete with people power. Consider George Clooney and Jennifer Lopez in *Out of Sight*, the film of the week: they leap from the screen simply through force of strong acting, charisma, and sexual tension. Like *Get Shorty* and *Jackie Brown*, this is an adaptation of an Elmore Leonard novel, and it is the most energetic and sophisticated to date.

Clooney has not had an easy time finding his niche as a big-screen leading man, least of all in *Batman & Robin*. But Leonard's character of Jack Foley is a snug fit. A bank robber, persistently behind bars, he is debonair and devil-may-care; so easygoing, indeed, that his stride is unbroken even when circumstances force him to escape from jail by sharing the boot of the getaway car with a federal marshal named Karen Sisco.

This is Jennifer Lopez, spunky and beautiful rising star of *Anaconda* and *U-Turn*. The two chat and chafe, planting the seeds of a mutual fascination that grows throughout the film. She sets her sights on bringing him to justice. He sets his on a billionaire's uncut diamonds, and their paths cross time and again in the crazy way we have learnt to expect in films of Leonard's novels. Every street, bar or hotel room brings some offbeat character or exchange, although nothing can top the central absurdity of a laidback criminal and a rigid federal marshal falling sweetly in love.

The absurdity is made extra-delicious by Steven Soderbergh's direction. The young talent who burst upon the world in 1989 with *sex, lies & videotape* had been getting into something of a tangle, making films that were either

too muted or too waywardly experimental. But here he joyfully finds his feet. He keeps the narrative hurtling forwards while dextrously weaving between past and present. The images freeze, the camera zooms, the editing jolts us from one shot to the next; but whatever happens happens naturally, keyed to the rhythms of the spiky dialogue, the retro music, or the twists of fate that lead the characters such a merry dance.

Among this fancy directorial footwork, there is still ample room for actors to flourish. Clooney and Lopez have never been better. Others sink their teeth with glee into Leonard's eccentric world. Ving Rhames is particularly delicious as Foley's cool and careful accomplice, a born-again Christian, anxious for Foley to shed thoughts of Karen and press on with their last big crime.

Placed alongside the dazzling *Out of Sight*, *The Negotiator* looks almost as prehistoric as the creatures in *T-Rex*. It certainly moves like a dinosaur, taking two hours and 20 minutes to get through a plot far better told in an hour-and-a-half. Buried inside the lumbering body is a decent suspense thriller about a hostage negotiator who takes hostages himself to prove his innocence in a case of murder and embezzlement. But how can you keep scenes taut when the camera keeps wandering up the tower of the Chicago Internal Affairs Division, where helicopters circle like vultures before swooping down on the twentieth floor for a feast of blood and bullets? Every action scene is blown up out of all proportion.

At least the main actors

Out of Sight
Empire, 15, 123 mins
Dazzling treatment of Elmore Leonard novel

The Negotiator
Warner West End
15, 140 mins
Hostage negotiator turns the tables

T-Rex: Back to the Cretaceous
Pepsi Imax Trocadero
U, 40 mins
Unfrightening 3-D jamboree

The Wisdom of Crocodiles
ABC Shaftesbury Ave.
18, 105 mins
Fancy British vampire thriller

If Only
ABC Piccadilly
15, 103 mins
Magic realism hits swinging London

Slums of Beverly Hills
ABC Shaftesbury Ave.
15, 91 mins
Uncouth, disappointing comedy

The Philadelphia Story
Curzon Soho
U, 112 mins
A touch of class from old Hollywood

talk to anyone except Chris Sabian," he shouts down the phone from the hostage room (the role calls for a lot of shouting). Chris Sabian? Sounds like some 1960s pop star. Luckily he proves to be Kevin Spacey, rushed to the scene in a blue pullover to lend his sardonic voice and perfect timing to the business at hand. Sabian once talked to a hostage, we are told, for 55 hours: it is to be hoped that his dialogue then was better than the babble served up by screenwriters James DeMonaco and Kevin Fox. The director, F. Gary Gray, shapes a few tense moments among the characters; not enough, though, to stop the film toppling over from its bulk.

So how does a dinosaur look in 3-D? Not very frightening. For all its technical finesse, *T-Rex: Back to the Cretaceous*, directed by Brett Leonard, never surmounts the major oddity of 3-D vision: the sense of depth is exaggerated at the expense of volume. Characters, human or otherwise, lack body. The dinos can roar and chomp all they want; they still look like toys, to stroke and pet. There is a certain charm in this, as in the prop of a Tyrannosaurus egg, which looks like a loaf of bread. There is no charm at all in the dramatic narrative, featuring an imaginative teenage girl wandering through the museum where her palaeontologist father works. As a fairground thrill, the film can only be rated fair.

From dinosaurs, we move up the chain to *The Wisdom of Crocodiles*, although this arty British movie contains no crocodile, not even in the form of a handbag. The title derives

from a phrase in Francis Bacon's essays: "It is the wisdom of crocodiles, that shed tears when they would devour." The tear-shedder here is a handsome vampire (Jude Law), searching London for perfect love and the perfect woman, but doomed to disappointment by his thirst problem. "Don't be afraid," he says, after dining on Elena Lowensohn's neck. Throughout, Law copes well with his part, certainly better than Timothy Spall in his chunky role as the police inspector who lumbers towards his prey. The director, Hong Kong-born Po Chih Leung, has an obvious talent for atmospheric images, although apart from providing an exercise in style, the point of his film proves elusive.

Another foreign director, Maria Ripoll, flexes her muscles on British soil in the wayward but engaging *If Only*. Magic realism comes to swinging 1990s London when the loan of a red umbrella gives a dishevelled actor a chance to turn back the clock and repair his relationship with his pernickety girlfriend. This is *Sliding Doors* with a touch of poetry: a mixture that never gels, although lively performances from Douglas Henshall and Lena Headey, and the director's sympathy for human frailties, put you in a mood to be indulgent.

In *Slums of Beverly Hills* the cast alone suggests good times. Alan Arkin, Marisa Tomei, Natasha Lyonne (Woody Allen's daughter in *Everyone Says I Love You*), how could this not be fun? Lyonne is very winning as the adolescent heroine in a downworldly mobile Jewish family, although any delights the players offer must be weighed against the ungainly direction of Tamara Jenkins and the lack of real wit in her script.

For a touch of class, we must look instead to *The Philadelphia Story*. MGM's version of Philip Barry's stage comedy about a swanky wedding that comes unstuck is now 58 years old. Signs of age are apparent, from the social assumptions to the pinched voice of Katharine Hepburn, repeating her stage role as the brittle bride. But what comedy today could rival the shapely lines, the suave playing, or the gossamer touch of director George Cukor?

"He's not a tower of strength, he's just a tower," says sardonic former hubby Cary Grant, viewing his bland replacement. This film is a garden of delights.

aced by a Scotsman is deeply charming.

It seems strange that someone who grew up with four older sisters should be so fazed by the vagaries of womanhood, but then, as he points out, sisters are a breed apart; there aren't many other women who will pin you to the ground and spit in your mouth to make you do the washing up.

There is still something of the little brother to Green, angelic, cheeky, resalutant and difficult to stay angry with for long. Even when his observations seem a little too familiar, his delivery is so endearing that he will make you see the funny side all over again.

HETTIE JUDAH

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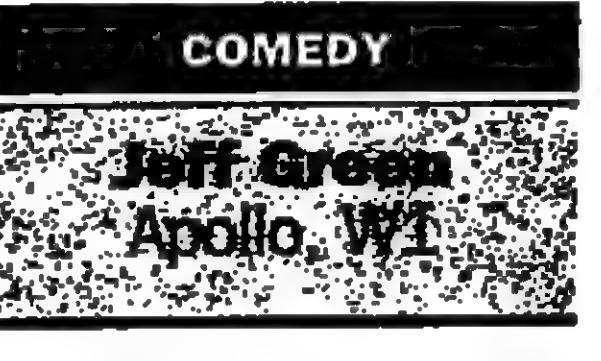
OUT OF SIGHT
Leslie Isaiah Thomas, 20: A film that will keep everyone happy. Romantic thrillers don't come much better than this.

Carl Clark, 19: George Clooney and Jennifer Lopez have scorching screen chemistry. I cannot recommend this movie highly enough.

Charlotte Dailey, 19: The director, Steven Soderbergh, has given us a fantastic romantic thriller. You are guaranteed a good time.

A puppy-dog's tales

warfare stuff. There is much discussion of drunkenness, and man's fatal relationship with his own couch. In his grumbly on female sexual mores, Green blames *Cosmopolitan* for teaching women to expect the impossible, and to lay the fault for everything at the feet of men. Perhaps one could blame Green for reading *Cosmopolitan* in the first place, for his is a critique of woman as seen through the pages of a glossy magazine: sexually demanding chacholices who float candles in the bath and wax their bikini line.



COMEDY
Jeff Green
Apollo 11

Beneath all the apparent anti-feminist jostling, though, Green's humour is aimed more at the bewilderment of the male than the evils of the female. Following a relationship from the moment their eyes meet across a crowded room and the man first thinks "I could make you the unhappiest woman alive", to the bitter end when he would rather die with a stone through his heart than endure a dosage of fish paste and marching track-suits, Green shows how women constantly defy men's expectations of them, and men habitually blame women for their own shortcomings.

On a rather nervous opening night, the material actually worked best away from the theme of love. Possibly the best sequence was about the words written around the outside of pound coins; and his impression of wasps being men-

LISTINGS

Mahler's Resurrection

RECOMMENDED TODAY

Guide to arts and entertainment compiled by Mari Margie

LONDON

STEVE REICH: The minimalist composer's expressive Desert Song gives us a taste of his music by the City of London Sinfonia. The remainder of the evening's programme features works by Frank Zappa, Milton Babbitt and Ruth Crawford-Seeger. Mann Acof conducts. Barbican (0171-636 8891). Tonight, 7.30pm. (5)

MAHLER AND VIENNA: The season continues with a single orchestral work: Mahler's magnificent Second Symphony (Resurrection). Christoph von Dohnányi conducts the Philharmonia Orchestra and the Bach Choir. Barbican (0171-636 8891). Tonight, 7.30pm. (5)



Music by Steve Reich is played at the Barbican

PAIS CONNECTION: The Hanover Band under its new principal conductor Matthew Best explores works with alleged links to the French capital. Here works by Handel and Beethoven: Beethoven's First Symphony and the Emperor's Piano Concerto. St John's (0171-222 1061). Tonight, 7.30pm. (5)

CHAMBER MUSIC: The Lufkin String Quartet makes a welcome visit with a concert featuring Beethoven and Janáček. Schubert's Death and the Maiden replaces the work to have been sung by the now indisposed German baritone Matthew Goerne. Wigmore Hall (0171-635 2141). Tonight, 7.30pm. (5)

ELSEWHERE

BIRMINGHAM: The City of Birmingham Symphony Chorus under its director Simon Halsey presents an evening of a cappella music. Bachman's Vespers crown a programme of sacred vocal music ranging from Allegri to John Tavener. Symphony Hall (0121-212 3333). Tonight, 7.30pm. (5)

MANCHESTER: The first concert here today (1.15pm) is by the Canadian pianist Lucie Lortie who performs two Beethoven sonatas. At 7.30pm Alan Gilbert conducts the Hallé Orchestra in works by Tchaikovsky, Mendelssohn and Richard Strauss. Bridgewater Hall (0161-607 9000). (5)

NEW WEST END SHOWS

Jeremy Kingston's choice of theatre showing in London
 ■ House full, returns only ■ Some seats available ■ Seats at all prices

□ **THE BEST OF TIMES:** The Bridwell Theatre's programme of Jerry Herman songs from *La Cage aux Folles*, *Milk and Honey* and *Halo*, Dolly transfers to the West End. Cast includes Kathryn Evans. Vaudeville (0171-836 9867).

□ **EDDYBROOK:** Edward de Souza, Ian Targett with Rosemary Lowe as the doomed heroine in an enjoyable chance to see an early Anouilh. A Straydogs production. ABC (0171-222 2223). (5)

□ **LITTLE MALCOLM AND HIS STRUGGLE AGAINST THE EUNUCHS:** Denis Lawson directs his nephew Evan McGregor in David Halliwell's student fascist play. Hampstead (0171-722 9301).

□ **SUPPLIANTS:** James Kerr directs his new version of Aeschylus's drama of the daughters of Orestes, fleeing from the threat of forced marriage. Gate (0171-229 0708).

□ **ECSTASY:** Revival of early Mike Leigh play set in a Kilburn bedsit. Arts Theatre (0171-582 5132).

□ **HALF MOON:** Set in a Fitzrovia pub during the Falklands War, Jack Shepherd's play looks at what happens to pacifists and dissenters when the rest of society wants to fight. Southwark Playhouse (0171-820 3494).

□ **THE STORM:** Susan Lynch, Maggie Stead, Tom Manton in a revival of Ostrovsky's 1859 drama of a stifling, passionless marriage. Hedra Macdonald directs. Almeida (0171-359 4404). (5)

□ **INTO THE WOODS:** Sondheim's nightmare tale on loveless fairy tales. John Crowley directs. Dancem (0171-359 7332). (5)

□ **LOVE UPON THE THRONE:** The National Theatre of Brent takes us through the courtship of Chas and D. Intensely comic and touching. Comedy (0171-359 7332). (5)

□ **AMADEUS:** David Suchet plays Salieri with Michael Sheen as Mozart in Peter Hall's strongly cast production of the Shaffer play. Old Vic (0171-222 7616).

FILMS ON GENERAL RELEASE

Geoff Brown's choice of the latest movies

NEW RELEASES

ANGEL SHARKS (15): Hysterical, bawdy French film about restless teenagers on the Riviera. Director, Manuel Poirier.

DEAD MAN'S CURVE (15): Delirious horror comedy thriller, with some smart dialogue. Dick Ross directs Matthew Lillard and Michael Vartan.

THE EEL (16): Shohei Imamura's idiosyncratic and humane drama about a man paroled after serving time for murdering his wife. With Koji Yakusho and Niki Kattari. Director, King Vidor.

LES MISÉRABLES (12): Straight dramatic rendering of Victor Hugo's novel, with Liam Neeson and Geoffrey Rush. OK. But no artistic heights are reached. Director, Bille August.

ROMAN (15): Old-fashioned action thriller with Robert De Niro, Jean Reno and others, seeking to retrieve a mysterious briefcase. Director, John Frankenheimer.

ROUNDERS (15): Lively details, but a dull central performance from Matt Damon as a law student who succumbs to the gambling itch.

CURRENT

BLADE (16): Extravagant, jumbled horror fantasy, fun for a time, with Wesley Snipes as the vampire-hunting action hero from the pages of Marvel Comics. With Stephen Dorff.

HENRY POOL (16): Uncouth vagabond shakes up dysfunctional family in a comedy. Directed by John Dahl. With Thomas Jay Ryan, James Van Der Beek, and Peter Onorati.

INSOMNIA (16): Homicide cop with a fractured mind solves a teenage girl's murder. Clever and atmospheric. Norwegian thriller. With Al Pacino, Robin Williams, and Hilary Swank.

ANTZ (PG): Neutronic ant finds himself in a war. Ingenious computer-generated animation, matched to the voices of Woody Allen, Sharon Stone and Sylvester Stallone.

MY NAME IS JOE (16): Reformed bad boy finds himself in a love affair with a beautiful woman. Impassioned and directed by John Dahl.

ARTS

MUSIC

Marco Polo the opera

Threnody from the cutting edge

Before William Forsythe took over as artistic director in 1984, the Frankfurt Ballet was a modest provincial German ballet company. Today it is on the cutting edge of modern ballet, the place where the future of the art form is being mapped out.

In this country we know Forsythe from his work with the Royal Ballet. And some of the provocative aesthetic ideas he has introduced are on show in the triple bill of his works which Frankfurt brings to London. But as this programme shows, there is more to Forsythe's creativity than the ripping apart of ballet, limb by well-toned limb.

Hypothetical Stream 2 (1997) is a piece of pure dance in the Cunningham mould, performed by nine dancers (a superb company, this) who journey across a barren windswept landscape, their steps dogged by ringing electronic chimes of doom. The music occasionally comes to an abrupt halt while the rippling, gnarled phrases of dance also find themselves momentarily aborted mid-stream. A kind of crazed stamina inspires Forsythe's writing here, a fugitive urge leading the dancers on in the shadowy light. But without the shining inner logic that animates Cunningham's work, *Hypothetical Stream 2* lacks real pulling power.

The Forsythe we have come to love (or hate) is displayed in *Enemy in the Figure* (1989), a brutalist diatribe against the horrors of technology. A huge travelling spotlight imprisons the 11 added dancers in a black-and-white universe that virtually screams abuse. Thom Willems's screeching electronic score is painful to the ears and Forsythe's radically shaped choreography is filled with a furious fut-

DANCE
Frankfurt Ballet
Sadler's Wells

ity that can barely contain its own frustrated energies. There are gunnicks — a rope, a wall or two, up against which the dancers are sometimes glued — but despite these distractions *Enemy in the Figure* has an appeal that stalks you until you succumb to its neurotic muscle.

Forsythe rarely sets out to embrace his audience. But that is exactly what he does with *Quintet* (1993), probably the most personal statement of dance he has ever created. It was made for his young dying wife and images of death and loss haunt the piece, which is blatantly emotional and hugely moving. Gavin Bryars's *Jesus' Blood Never Failed Me Yet*, a hymn of resounding sorrow, gives added richness to Forsythe's lyrical language, which is as alive with hope as it is weighted by despair. Dancers rush to each other's side: alone, they are suddenly helpless; together they find the strength to go on.

But Forsythe doesn't colour his relationships with pretty window dressing: the awkward and pedestrian interactions of real life are here too. And there is one recurring image that haunts the memory: Jane San Martin falling backward into the wings, into another dancer's arms. Time and again she is pushed defiantly back on stage, and time and again she wearily falls back. It is an endlessly repeating threnody, sad and beautiful.

DEBRA CRAINE

Neurotic muscle: Thierry Guiderdoni in *Enemy in the Figure*, William Forsythe's brutalist technology ballet

I have watched Tan Dun make music from a piece of paper and his own breath. It isn't easy to square the fragile magic of those eerie sounds with a monstrous work of propaganda-exotica like *Heaven, Earth, Mankind*, but perhaps his opera *Marco Polo* (1996) goes some way to bridge the gap.

The focus is on the human voice and the extraordinary noises it produces. Here, Chinese speech and its operatic counterpart is the core mode of expression, curling out above drum-driven textures like dragon ribbons. Sparseness and strangeness are not drowned out by sentimentality, though there are interludes of tonal jollity — the music of his chosen home, America.

Paul Griffiths's libretto loosely follows Marco Polo's travels. From Tan's introductory talk, nothing could have been simpler: medieval Italy evoked by delicate recorder, violin and harp; the desert by tabla and prepared piano; the Himalayas by terrific Nepali horns and unceasingly over-

Voices of the East

OPERA

Marco Polo
Barbican

singing, brilliantly accomplished by Stephen Bryant, Lin Quang Xu and the Royal Scottish Academy Chorus.

But this is only the linear narrative, or "Western" side of this opera within an opera. There was also a spiritual journey in progress, and even Marco Polo had a split-personality. Thomas Young and Laura Tucker taking on his teenage memory and the older man. Somewhere in all this, the

pull of a strong story was lost. Given its aphoristic libretto, which does not easily yield its secrets (especially those in Chinese), it struggled as a concert work. Though the rasp of Chinese percussion can make your hair stand on end, moments of true drama were few.

One such occurs in the desert, where Emily Golden was a gorgeous Sheherazade, thwarted in her attempt to seduce Marco Polo by Water, the astonishing coloratura soprano Susan Botti. This scene cried out for some symbolic choreography such as was achieved by the gradual movement of Kublai Khan (Dong Jian-Gong) from gallery to stalls to stage as they came nearer his kingdom.

His ominous presence and the eventual conjuring of Marco and Polo produces a powerful climax to a broken but glittering score. The BBC Scottish Symphony Orchestra, long associated with Tan, gave a riveting performance under his direction.

HELEN WALLACE

Chinese promise fulfilled

It is almost 400 years since Western music was first taken to China, and nearly a century since the first symphony orchestra was established there. But the traffic has been largely one-way, so this British debut of the China National Symphony Orchestra was long overdue, and the unfamiliar works it played suggested that we have been missing something.

Formerly known as the Central Philharmonic Orchestra of China, this band has a history stretching back 40 years. Exactly what its fate was during the Cultural Revolution is unclear, but under its principal conductor and artistic director Zhuohuang Chen, it plays like a well-oiled ensemble, with an "alive" sound and excellent attack.

Both composers in the first half have developed a natural blend of Eastern and Western ingredients. Chen Peixun, one

of China's senior musical figures, was represented by the first movement of his Symphony No. 1, *Ode to Snow*, his tranquil picture of Northern China opens and closes the piece, framing a fervent middle section. Three numbers from his *Chinese Folk Song Suite*, evocative of wide open spaces, called to mind a Far Eastern Copland in *Rodeo* mode.

Yang Linqing, a slightly younger player, was heard in his *Flower*, a haunting arrangement of folk music, with an "alive" and orchestra. Dark colours at the beginning eventually give way to a dreamy end, thanks to the mediation of this remarkable bowed instrument

that at its most intense suggests the sound of human wailing. The incredibly poised soloist was the virtuoso Ma Xiaohui, who produced a stream of mellow tone and also displayed the sunnier side of her instrument.

More erhu music turned up in an arrangement as one of the orchestra's encores, but not before it had demonstrated its Western credentials in Brahms's Second Symphony. Although the opening was a little rough around the edges, the second subject, announced by violas and cellos, drew attention to the warmth of the strings. Chen conducted with calm authority, catching the character of the middle movements and the finale's majesty in a performance that would not have disgraced many of the orchestra's much closer to the Brahms tradition.

JOHN ALLISON

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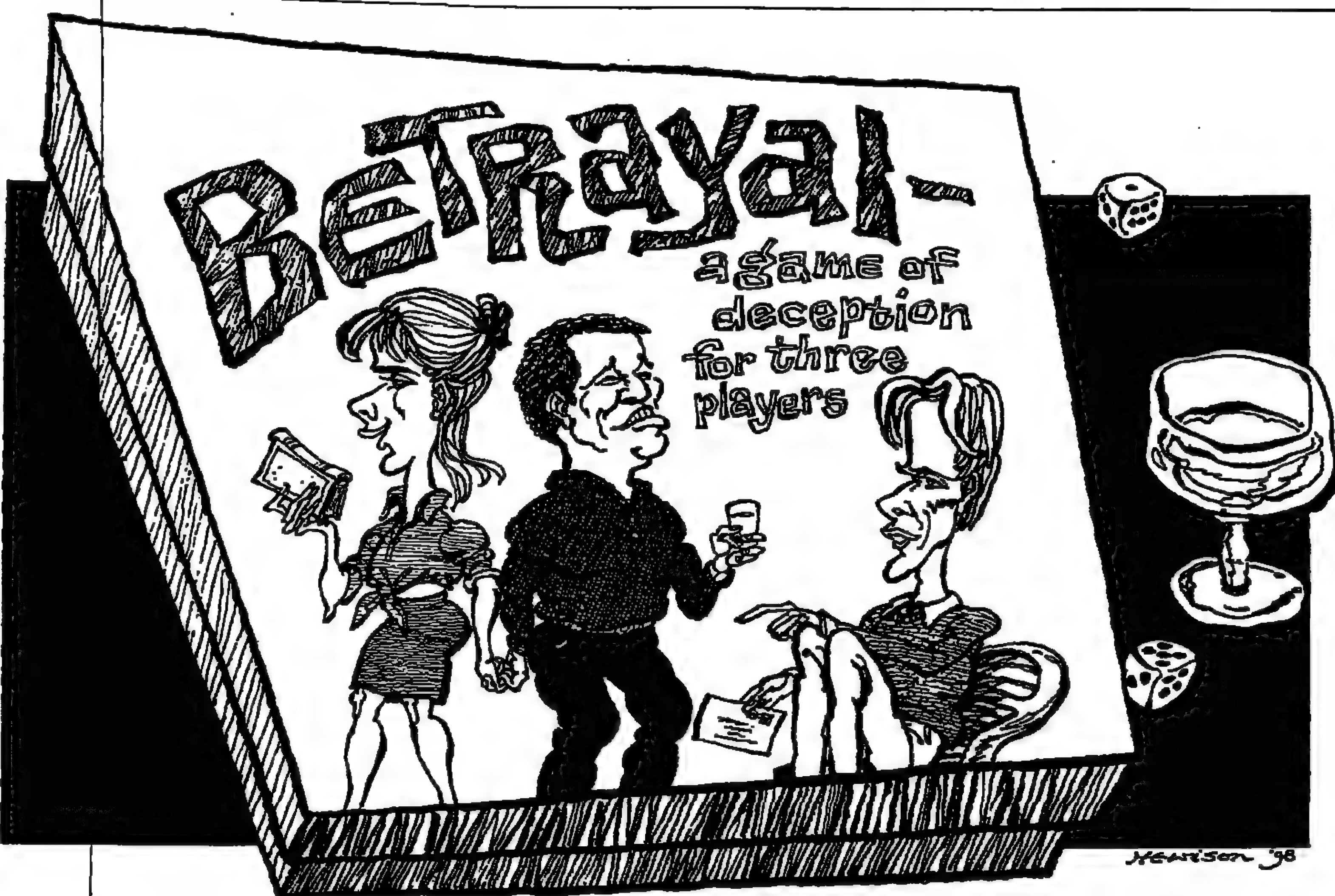
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Three's crowd: Imogen Stubbs, Douglas Hodge and Anthony Calf in Harold Pinter's dense, pain-filled study of the subtleties of friendship

Games Pinter plays

When Harold Pinter's *Betrayal* appeared in 1978, it received some of the most disgraceful reviews in theatrical history. To critics earnestly obsessed with the vagaries of British society, Peter Hall's production seemed a shameless throwback to an era when drama preferred to concern itself with adulterous husbands, other women and interminable eternal triangles.

Well, the whirligig of time has certainly brought in its revenges. Here is the selfsame *Betrayal*, again staged in the Lyttelton by a director of the National and, in the view of the distinguished voters asked by the theatre for their millennial preferences, one of the century's finest plays. Nor has it dwindled into that drear

thing, a respectable classic. So up-to-date do Pinter's text and Trevor Nunn's revival feel that (aside from a reference to the obscurity of Kilburn) there is no strain in updating the action from 1970s to 1990s literary London.

The play now opens in 1998, with Imogen Stubbs's black-bloused Emma and Douglas Hodge's black-jacketed Jerry in their NW6 love-nest, glumly acknowledging the end of an affair that began in 1989. In nine scenes that mostly back-pedal through time to that ominous moment, Pinter chronicles the progress and regress of a love made doubly dangerous and trebly intricate by one small fact. Emma's husband, Anthony Calf's Robert, is Jerry's best friend, and, as the posters advertising the play

wryly emphasise, Jerry was best man at their wedding. This preference for the anti-clockwise is not just trickery, as some reviewers originally thought, but a way of substituting "what next?" for the cruder "what next?" in our minds, thus deepening and darkening the play. Central to this effort is Jerry's last-gasp discovery that Robert has known about the affair for years and not merely said nothing, but continued with their regular lunches and games of squash. Whether this is because the

cuckold is covering up a clandestine affair himself, or because he does not wish to lose a friend he values more than his wife, are only some of the questions that hover in an air so quiet yet so charged you yearn for a storm to break it. Pinter being Pinter, thunder and lightning never materialise: not even when Stubbs's fine, warm Emma is unstoppably quivering as Calf's cool, slightly sadistic Robert prides the truth from her, nor when Hodge's streamwise-seeming Jerry squirms and abjectly huddles into himself at his own emotional Waterloo. I don't see why the setting is a concrete bunker with tiny filmed projections (a painting here, a dartboard there), and in the gloriously written, ironically upbeat last scene I think

Hodge would stem the wrong kind of laughter if he downplayed the lipiness. But the acting, the lighting, everything else serves to prove the play the masterpiece it always was. The language is spare and simple, the states of mind on show confused, shifting, elusive, and, as Pinter penetrates further and further into the politics of betrayal and the subtleties of friendship, almost unbelievably dense. I don't think there is a line that does not express pain, regret, anger, alarm, desire, remorse or some blend of those emotions. Can you name a play that says so little and implies so much?

BENEDICT NIGHTINGALE
This review appeared in some editions of The Times yesterday



Magdalena Eshaya and Lasse Pettersson in Robert Wilson's stunning Strindberg staging

NEW CLASSICAL CDS: RCA celebrates 30 years of the Vienna State Opera with five live recordings from Austrian radio. Plus some irresistible Mozart

Five operas on RCA, all taken from live Austrian Radio broadcasts, chart 30 years of the Vienna State Opera following its reopening in 1965.

The first is *Don Giovanni* (7432) 57/72, three CDs, £28.99, which followed *Fidelio* into the house in November of that year. A crack cast was led by the Canadian-born bass-baritone George London in the title role. London, who had begun his career as part of a trio which included Mario Lanza, had made his early operatic name in Vienna. His Giovanni is as bags of swank, caressing when dealing with Zerlina and full of self-satisfaction in the Champagne Aria.

Erich Kunz, for long one of Vienna's favourite sons, provides the ideal foil as Leporello. Sena Jurinac, on top form, turns Elvira into another of life's victims, while Lisa della Casa, whose tone sometimes turns too hard, is the imperious Anna. Walter Berry and Irmgard Seefried make an almost matchless pair as Masetto and Zerlina. Anton Dermota's Ottavio is further testimony to the years at the Theater an der Wien which the State Opera had spent creating Europe's leading Mozart ensemble.

Vienna did not turn out to be the city of Lorin Maazel's dreams during his brief tenure as artistic director, any more than it had for Karajan. One of the prime sources of dispute was his insistence on bringing more 20th-century opera into the repertoire. Alban Berg's *Lulu* (57734, three CDs, £28.99) was one of his successes in 1983. A video is really needed for the sinuous, animal-like performance of Julia Migenes in the title role. But the large cast contains a number of definitive characterisations, led by Brigitte Fassbänder (Geschwitz), Hans Hotter (Schigolch) and Theo Adam (Schön).

Verdi's *Simon Boccanegra* (57733, two CDs, £19.49) in 1984 is notable for the conducting of Claudio Abbado, who was to take over the helm from Maazel, and the mature, dignified singing of Renato Bruson in the title role. He is well supported by Ruggero Raimondi's Fiesco, but Ricciarelli's Amelia is no substitute for Freni in Abbado's Scala recording.

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JOHN HIGGINS

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BEWARE the sorcerer! This performance of Mozart's spooky *Der Zauberer* might just persuade you, against your will, that Mozart is indeed a Lieder composer to be rated – not just the supplier of a handful of charming ditties and one or two Masonic solemnities. Comparison with everything else in his output and, of course, with Schubert has always tended to work against Mozart's songs. Yet in the hands of performers who are both accomplished Mozartians and fine Lieder singers, a little miracle happens. From this generous recital of 25 songs in 75 minutes, listen to the sheer quality of music-making as tenor John Mark Ainsley is alive to every halting breath of a song such as *Abendempfindung* (Evening Thoughts), and Roger Vignoles picks up the melodic echoes within his purling piano accompaniment. Or to soprano Joan Rodgers catching exactly the inflections of Austri-

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Young pretenders to the throne

Ian McIntyre is unimpressed by two new accounts of the Regency whose authors remain firmly in the shadows of previous chroniclers of the period

Winston Churchill, entertaining colleagues at the Savoy, found one of the dishes placed before them unimpressive. "Pray remove this pudding," he instructed the waiter. "It has no theme."

I thought the same about Venetia Murray's undemanding social history of the Regency. She defines her period with some elasticity as beginning in 1788, when George III's illness first thrust the question of regency on to the political agenda. Her publisher has allowed her 16 delightful pages of coloured illustrations, many of them by Gillray, Rowlandson and Cruikshank, but although she has had the run of the Windsor and Chatsworth archives, she is content in the main to proffer a bran-tub of anecdote and quotation from familiar secondary sources.

Her research has been less than rigorous. We read, for instance, that subscription libraries "came into fashion towards the end of the 18th century". Sheridan, however, was making fun of them in *The Rivals* as early as 1775 ("that ever-green tree of diabolical knowledge," says Sir Anthony Absolute) and the first of them had been founded in 1758. Nor is it the case that at Brighton Camp, in 1793, "the army was under the command of the Prince himself". It was one of Prinny's longest-standing grievances that his father would not advance him beyond the colonelcy of a regiment of light dragoons. David Garrick was not a member of the Sublime Society of Beef-Steaks; "green fat" was not a gravy made from the fat of a green goose but the gelatinous portion of a turtle; the company at Drury Lane did not go on tour during the summer months... A text punctuated by inaccuracies like these does not inspire confidence in its author as an historical guide.

Saul David's *Prince of Pleasure* is more reassuring. He acknowledges his debt to the exhaustive research that went into Christopher Hibbert's two volumes in the 1970s, but he has ferreted extensively on his own account. The Hamp-

HIGH SOCIETY
A Social History of the Regency Period, 1788-1830
By Venetia Murray
Viking, £20
ISBN 0 670 85758 0

PRINCE OF PLEASURE
The Prince of Wales and the Making of the Regency
By Saul David
Little, Brown, £22.50
ISBN 0 316 64816 4

shire Record Office has yielded particularly rich ore, including a hitherto unpublished account by the Prince of the fiasco that was his wedding night. That his bride was filthy was bad enough, but there was more.

Her manners "were not those of a novice," he told Lord Malmesbury. "In talking those liberties natural on these occasions, she said, 'Ah, mon dieu qu'il est gros!', and how should she know this without a previous means of comparison."

David is a young writer, and does not rival Hibbert's skill in weaving together the public and the private. Some of his background material — a passage on prize-fighting, for instance — reads like a digression. There are stretches of narrative where the Prince

is hardly present, so firmly is the spotlight trained on what is going on about him.

The manuscript has not had the undivided attention of David's editor at Little, Brown. He is twice allowed to mis-spell *de rigueur*, and there is an alarming sentence in the first chapter which informs us that George III first came to the throne in 1769. He should not have been permitted to coin the word "rebuffal" and I fail to grasp why he should lapse into *Private Eye*-speak and describe Nelson as "optically challenged."

Some of the detail in David's narrative is open to challenge. His view that the other 12 colonies had been lukewarm in their opposition before the Boston Tea Party will not go uncontested in Pennsylvania, Rhode Island or the Carolinas. I also believe he is mistaken in asserting that Sheridan did not know of the Prince's marriage to Mrs Fitzherbert when he spoke in the Commons on April 20, 1787. Indeed his account of that day is contradictory, because further down the page he has Sheridan visiting Mrs Fitzherbert at the Prince's behest to impress on her that the smallest hint that they were married would ruin them both.

After the Coronation, David presses the fast-forward button and races through the nine-year reign of George IV in ten pages. I think that a pity, particularly as he points out that there has been no major biography for a quarter of a century. No life of this "overgrown bantling of Regency," as Shelley called him, is complete without the story of his preposterous visit to Edinburgh in 1822, orchestrated by Walter Scott.

David reminds us how his subject was seen by his last Prime Minister: "the most extraordinary compound of talent, wit, buffoonery, obstinacy, and good feeling," said Wellington. "that I ever saw in any character in my life." Those wishing to savour that puzzling compound to the full will still want to turn to their Hibbert and their Plumb — even to their Thackeray.

IN metro ON SATURDAY

A twinkling eye for women and writing: science fiction writer Brian Aldiss discusses a career marked by suffering.

Also: a new biography of Woody Allen uncovers the autobiographical content in his work; how Royce Music defined Seventies pop; A.S. Byatt reveals how she writes; and *Blackadder* between the covers

BOOKS



A royal buffoon: King George IV, the Duchess of Richmond and Lady Herford in 1820

Writing to survive

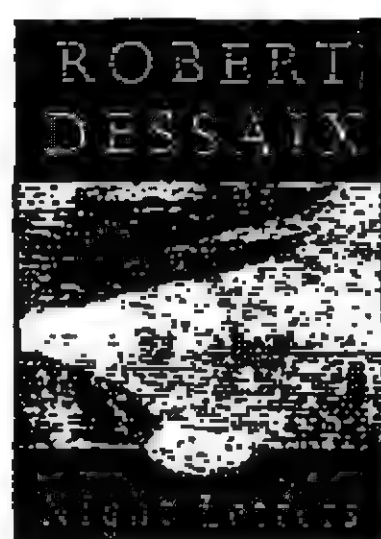
Robert Dessaux's *Night Letters* is a poetic masterpiece. Not since Edmund Spenser's richly evocative *Nocturnes* for the King of Naples has a gay novelist infused the themes of love and death with so fine a lyric sensibility.

On finding himself to be HIV positive, the book's Australian protagonist sets off on a journey from Switzerland across northern Italy to Venice. He finds the funeral counterpoint to his own meditations on mortality in Venice and writes a series of letters home to a friend. It is within the context of these letters that the novel develops its hypnotic narrative qualities.

Night Letters is essentially composed of one man's nocturnal reflections on the nature of time, history and the search for an earthly paradise, then the nature of that exercise is dramatically underscored by other enriching narratives. When the protagonist makes the acquaintance at his hotel of the closeted Professor Eschenbaum, then we are introduced to the story of *The Disappearing Courtship*. It is through the Professor that we learn the historic intrigue of Donna Scamozzi to have her virgin daughter Camilla married to a wealthy Venetian. Camilla's scheming liaisons lead eventually to a tale of sordid sex and revenge. Gang-banged at the instigation of Lorenzo Cordellini for her infidelities, Camilla falls in love with his son, Alberto. Through the machinations of a magician, Camilla contrives to bring father and son into murderous conflict. Lorenzo mistakenly kills his son, who is in drag, and as a consequence of her grief for Alberto, Camilla is never seen or heard of again.

Much of the novel's beauty comes from the author's profound reflections on Dante's *Divine Comedy* and his linking the protagonist's experiential journey to that of Dante's passage from the Inferno to the Paradiso. Dante's perception of God as a radiant point in the Universe proves a pivot on which the troubled Australian can endeavour to find rest. "The idea of Point," he writes, "and the relationship between a point and

JEREMY REED
NIGHT LETTERS
By Robert Dessaux
Arcadia Books, £10.99
ISBN 1 900850 12 5



straight lines and circles, is one I must contemplate more. Instead of thinking constantly about lunch, train timetables and the havoc in my veins."

Nocturnal dialogue between our protagonist and the erudite Professor Eschenbaum leads to the consideration of time in the lives of two famous Venetians: Marco Polo and Casanova. Siding with Casanova on account of his intense magnification of the moment, something to be vitally lived by those found to be HIV positive, the narrator tells us: "Polo discovered paradise over there, you see, he travelled there and then came back. Casanova discovered paradise in the travelling. If you see what I mean — it wasn't somewhere you could come back from."

Far from being morbid, *Night Letters* offers a message of hope. It is by living in the immediate that life is most purposefully experienced. The narrator is not a person evaluating his life in retrospect, but rather someone intent on engaging with the present and biting into it in the way we would bite into a ripe peach or plum.

The outcome is heroic. Dessaux has written a novel in which poetic and philosophical reflection are compounded into brilliant narrative. Illness is viewed as contingent on the will to live, and the future as it is apprehended by the narrator is open-ended and continuous.

Hard times for authors

More MAs in writing available! Manchester Metropolitan University is starting a Writing School, which will award postgraduate degrees and will be directed by the poet and Carcanet Press publisher Michael Schmidt. His poetry magazine PN Review will also in future be edited from the school. *Hopefuls* should get in touch with the English department at the university (0161-247-1756).

Nevertheless, the displaced authors statistics are getting worrying. Last week, quite disgracefully, Oxford University Press sacked all its poets. Now there is more melancholy news. Authors rejoiced recently when Metro rescued the publishers Richard Cohen Books, after it had got into financial difficulties. However, we hear that 80 per cent of the books that Cohen had contracted but not yet published are now going to be dropped. Come on, you prosperous publishers, lend a hand!

BookTrack, the organisation which records sales of books in the shops, has pulled off a coup. From next week, it will include WH Smith sales in its figures. WH Smith was the only major chain that was still not being covered. Now

Modern "Anti-Culture" which promotes the ideology that Western civilisation = nasty white males = bad.

Yours faithfully,
SIMON YOUNG,
25 Myrna Close,
London SW19 2HL

Watch out if you are buying a book called *Tear This Heart Out* by Angeles Mastretta, published by Vintage. You may have read it before. It was published as *Mexican Bolero*, in a different translation, by Penguin in 1991.

Last week the ICA entitled a discussion of what the future holds for writers *Wrinkle Free* — never mind an agent, it's a good night cream you need. One of the panellists, fresh-faced agent Jonny Geller, wondered what the connection might be between review coverage and sales; eternally youthful Condé Nast magazine supremo Nicholas Coleridge replied by recalling an encounter with the juvenescent Lord Archer of Weston-super-Mare, who maintained that he cared not a fig for reviews, never looked at the review pages, as such things mattered not a tittle... which leaves us wondering why it was that he was so perturbed when we were a little tardy in noticing his last offering.

A sisterhood destined to shape society

HELEN DUNMORE
THE LANGHORNE SISTERS

By James Fox
Granta, 20
ISBN 1 86207 071 1



James Fox achieved a polished blend of social history and whodunnit in his first book, *White Mischief*. His exploration of a murder among white settlers in Kenya was forensic in its cool exactness. This cast of mind is strongly evident in his fine new book, *The Langhorne Sisters*. The sisters may be Fox's grandmother and his great-aunts, but family piety is rarely allowed to blunt the edge of his search for the truth of vanished lives.

The best-known of the five sisters is Nancy, who became the first woman MP to take her seat in the House of Commons. She was by no means the first public figure among the Langhorne sisters. Irene had achieved stardom as a Southern Belle in Virginia. Later, through Irene's marriage to the artist Dana Gibson, her strong-jawed, virginally sexy image merged with that of the Gibson Girl.

James Fox has drawn on a huge, unpublished cache of correspondence between the sisters. The letters between Nancy and Phyllis tell a story of public fame and intimate disaster. Both left America for second marriages in England; both seem to have been almost incredibly unsuccessful mothers. Three of their sons committed suicide, and other children suffered intense pain. Undoubtedly there was hardness, even ruthlessness in the Langhorne character, and Fox makes no bones about these women's egotism or their carelessness towards those closest to them. His great gift as a biographer, however, is that his clarity never becomes censoriousness. He is always alive to the comedy of human relations. From the disappointed eldest, Lizzie, to the promiscuous but loving youngest, Nora, the sisters are vividly present.

Fox's book is also a portrait of the two societies which these sisters straddled. They moved through Victorian society on a wave of railroad money; they knew all about the need for social ritual in the elaborate taming of fortunes made from raw commerce. In England, they used their American directness and charm as levers to open the tricky oyster of the British Establishment.

Nancy operated best among people who believed that they were destined to set the world

to rights, while absorbing most of its good things to themselves. Her passionate relationship with her Plymouth constituency may have been one of the strongest she ever formed, and Fox shows how it drew out the best in her. She was ferocious on behalf of her constituents and wanted everything for them from nursery schools to improved housing. And yet she was a righting force who promoted the appeasement of Germany in the period leading up to the Second World War. Fox believes that Nancy Astor was naive rather than culpable in her attitude to Nazism. He argues that she did not really understand Hitler's aggression, or the threat to Jews in Germany, partly because she shared what he describes as "the general, passive anti-Semitism of the British public". This may be a point where family feeling blurs his own vision.

Fox has the novelist's ability to allow his characters to reveal themselves, and he handles the mass of material with a decisiveness which means we never lose the thread of the story. The quality of the writing is outstanding, whether Fox is slyly remarking on the influx to Clivedon of uninvited, free-loading Sax-Coburgs and Battenbergs or pinning down the exact line of Phyllis's American so Peter, marooned at Marlborough and writing out his rebellion to his mother in "the cilly, powerful, absolutist voice of the besieged adolescent". *The Langhorne Sisters* is a deeply enjoyable and illuminating study of a family in its time.



The first female MP: Nancy Astor campaigns in Plymouth

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BOOKS

On the road with a French philosopher

The American way led Simone de Beauvoir from Las Vegas to New York, via a love affair begun in "Chicago's Bowery"

In 1947, when Simone de Beauvoir set out on a lecture tour of the United States, she had just published her first philosophical work, *The Ethics of Ambiguity* (*Pour une morale de l'ambiguïté*). Fittingly, for the account she gave of that trip, first published in France the following year as *L'Amérique au jour de jour*, and then in English as *America Day by Day*, has its own ambiguities. This intriguing volume has been out of print since 1952, and is now reissued by Gollancz, now all of her work is available in its entirety.

The American travelogue is a well-developed genre. From Frances Trollope to Jack Kerouac, through Charles Dickens and Bill Bryson: writers set out across that vast land with their eyes sharpened, and readers seem never to tire of these accounts of a country which, in all fairness, should be far too well known to merit such attention. It's not Patagonia. It's not the Hindu Kush. America is ubiquitous as the world falls under the

shadow of its flag. It may be because the United States is an invented country that each writer who sees it is able to invent it for him — in this case, of course, her — self. Simone de Beauvoir's account seems, at first reading, straightforward. She makes no claim to an understanding of the postwar society she encounters — segregated by race and coloured by an apparently new perception of an older, more ravaged world across the Atlantic — greater than anyone else's: there is an ingenuously to her observation. Flying over the ocean, she begins: "Despite all the books I've read, the films, the photographs, the stories, New York is a legendary city in my past: there is no path from the reality to the legend. Across from old Europe, on the threshold of a continent populated by 160 million people, New York belongs to the future. How could I jump wholeheartedly over my own life?"



Chicago seems the main goal (though surely only the most passionate infatuation could cause one to write of that fine city on the shores of Lake Michigan: "Beneath the sun, the water [of the lake] is pure silk and diamonds, and white sailboats glide back and forth — it has the serene luxury of the Côte d'Azur"). Their affair was doomed to fail — she would not leave her

life, bound as it was to her work and to Jean-Paul Sartre's, any more than he would leave his. It is not surprising that de Beauvoir should leave Algren out of this account, meant, as her letters were not, for publication. It is, however, revealing of the division between the writer and what she chooses to write, and of the contradictions that made up a woman who lived her life with both passion and control. The author of *The Second Sex* could also write dismissively: "American women have an overriding need for respect and attention, and if they feel they've been slighted, they owe it to themselves to show it. They don't indulge in passionate outbursts as Slavic women do, but their cold fury is just as dreaded, and it's one of the reasons men find them so tiresome."

Most of all, as she trails through Connecticut with Marcel Duchamp, sees Merce Cunningham dance in New York or discusses nuclear war with John Dos Passos, she comes to understand the ambiguity which America seems in itself to embody. "A more secret sign tells me that I'm really beginning to participate in America," she writes. "I'm no longer dazzled by it or disappointed; I'm learning, like certain of its children, to love it sorrowfully."

AMERICA DAY BY DAY
By Simone de Beauvoir
Translated by Carol Cosman
Victor Gollancz, £16.99
ISBN 0 575 06712 8



Mining for fact in fiction

GRANITE AND RAINBOW
By Mitchell Leaska
Picador, £20
ISBN 0 330 35436 1
MITCHELL LEASKA'S critical take on Virginia Woolf is already familiar to Bloomsbury. Now he gives us a biography of a familiar, endlessly fascinating literary conceit, the unreliable narrator. The irresistible rainbow of Woolf's own account of her life in her fiction, essays, letters and diaries flickers over Leaska's hard-hat as he drills through layers of inconsistencies into the hard rock of fact and reality. His analyses of the personal and family tensions that drove Woolf first to try to integrate them in her work and finally to suicide are very disturbing.

Natural wit

LEONARDO'S MOUNTAIN OF CLAMS AND THE DIET OF WORMS
By Stephen Jay Gould
Jonathan Cape, £17.99
ISBN 0 224 05043 5
THE PUNNING title is symptomatic of Gould's reputation as a serendipitous thinker. This is his eighth volume of essays in which he whizzes off in all directions at once as a scientific semiologist. His professional knowledge as a scientist is scholarly; his cultural references as a human polymath are parenthetical; his wit is so-phomoric. Gould is exciting, but over-excitable. As an essayist, he has been compared inaccurately to Montaigne. But he may be the Umberto Eco of natural history.

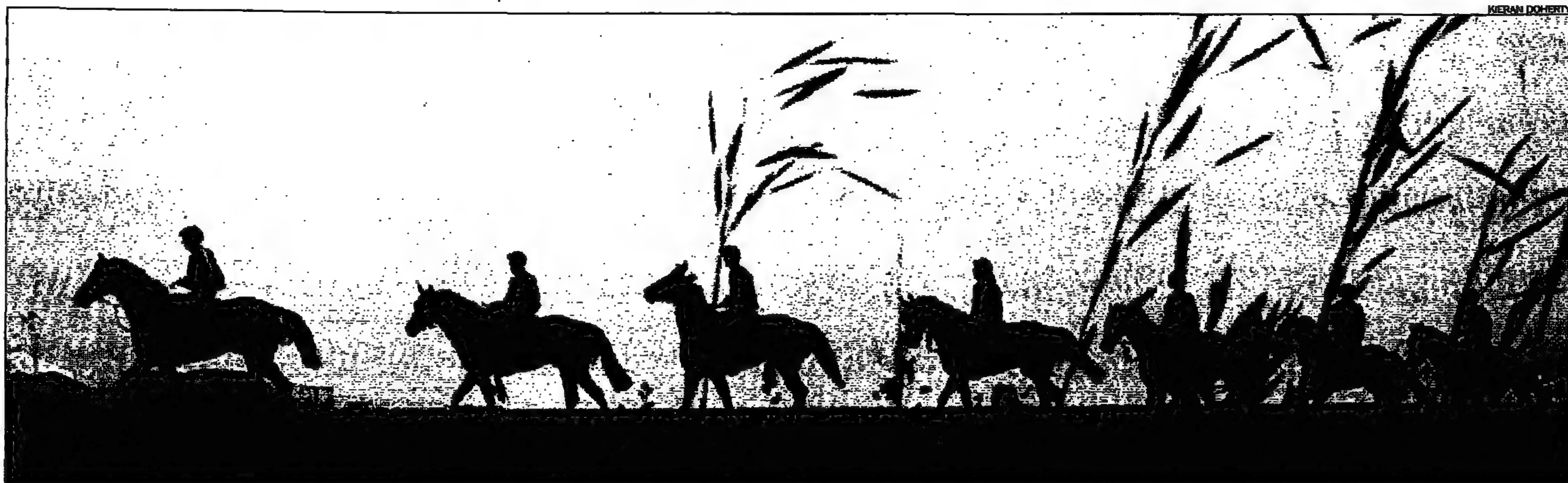
Dance artist

NUREYEV: His Life
By Diane Solway
Weidenfeld & Nicolson, £20
ISBN 0 297 81560 1
REBELLIOUS, talented, feral: Nureyev was a perfect match for Ninette de Valois, who hired him for the Royal Ballet after this defection from Russia in 1961. He raised the supporting role of male dancer to superstar status. Until his death from AIDS in 1993, Nureyev dominated the dance stage like a force of nature. This authoritative biography digs deep into Nureyev's childhood, escape to the West, adoration for his lover and mentor Erik Bruhn, partnership with Fonteyn and the career that almost literally limped to a courageous, tragic halt.

Hellish read

THE TRAVELLER'S GUIDE TO HELL
By Michael Paus and Dana Fecore
Cadogan, £4.99
ISBN 1 86011 910 7
HELL starts inside this odd Baedeker to the Infernal Regions: it's the very devil to read. Light black type on red paper is bad enough, but when overlaid with illustrations, you think someone is trying to pep up a dismally jolly guide to the underworld. It relies on Dante and Milton, but oddly omits St Oran who, exhumed by St Columba, sat up and stated: "Hell is not as it is reported." Columba promptly reiterated him, exclaiming: "Earth, fill the mouth of Oran that he may gossip no more."

IAIN FINLAYSON



Saddled with the expense: horse racing is a passion for most owners, and the dominant image of the sport is a romantic one. But the costs outweigh the profits, as Stan Hey found in his year as a racehorse owner

Taking leave of his horse sense

Racing horses is a love affair, not a business, says Chris Brasher

One of the great mysteries of this supposedly sane country is why 10,000 very successful people indeed the figure may be as high as 25,000 — take leave of their senses when they see a racehorse. Most of them have worked long and hard to amass a large fortune and then they start to "invest" in thoroughbreds which, as sure as night follows day, will shrink that large fortune with great rapidity into a very small fortune. The facts are simple. Buy yourself a racehorse. It does not matter whether it is a yearling destined for the flat or a four-year-old heading for the jumps. And it does not matter if it costs you £10,000 or £50,000 because the result is the same: a complete write-off. Then you put it into training. I am not up-to-date on how much it costs to send a boy to Eton, but there cannot be any change out of £12,000 a year and that is about what it will cost you to put your purchase into training. On average your winnings will net you 23p in the pound — about £2,760. So having written off your purchase price, you also

have to write off costs of £9,240 every year, year after year, until you sell your "investment" or retire it to a sheltered paddock. Stan Hey is one of these nutcases. He classifies himself as a minor freelance journalist. I would classify him as a highly successful writer of television dramas, books (including Gary Lineker's *Golden Boots*) and newspaper articles which include one on how he turned £1,000 of Lord Rothermere's money into £1,712.40 in the space of four weeks with 13 winners from 35 bets. He also has the record of turning two "Lucky 15" bets (which cost him £15 each) into wins of £1,363.50 and £1,936.50. In my book, the man is a genius — a genius with a flaw. Last year he joined the Nutcase Tribe and thus gave birth to his book *An Arm and Four Legs*, a tale of a year in the life of a racehorse owner. He started with a budget of £2,000-£3,000 of hard-earned

AN ARM AND FOUR LEGS
By Stan Hey
Yellow Jersey Press, £15
ISBN 0 224 05237 5



and heavily taxed money. He bought into a two-horse partnership for a modest £1,120 and then, when both horses broke down within the first three months, he took leave of his senses and invested a further £5,000 in a quarter share of a four-year-old filly. It doesn't make sense, does it? But there is no sense nor rationale in any man when he

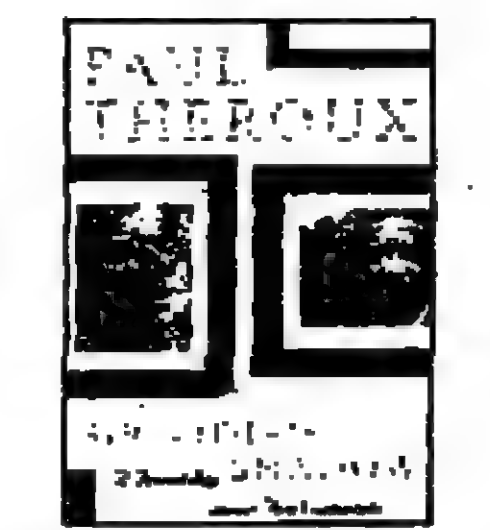
falls in love and when Stan Hey saw his filly, Deadly Doris, "I was smitten in an instant". Alas, Deadly Doris has not won — yet. Somewhere out there, Stan Hey, his two sons and Deadly Doris's trainer Nigel Smith are all dreaming dreams because that is what racing is all about. I know because I, too, have dreamed dreams, not just for a year, but for the past eight years. My first horse cost as much as a decent car and in his entire career managed to come third on one occasion and win £179 — all of which went on the jockey's fees and the horse's travelling expenses. One day Stan Hey will get to paradise. He is in love with Deadly Doris and she, a wail from a field in Wales, will surely win — next month, or next year, or maybe in the next century. By then I hope that Mr Hey has stopped keeping an account of his costs, which amounted to £7,260.28 in his first year. Such detail is no doubt necessary to complete the record for his entertaining book, but it just isn't done to keep accounts of a love affair.

This tale of two writers begins in Uganda in 1966. Paul Theroux is 25, teaching at Makerere University, trying to write — no idea where his life is taking him. Suddenly, amazingly, into the Common Room steps the writer V.S. Naipaul, who will become, for half of Theroux's life, his most important friend. Even now, 30 years later, he can still vividly recall Naipaul's appearance at that first encounter — the hands behind the back, the "little chant and echo in his speech", the martyred smile.

V.S., or Vidia, Naipaul — 34 years old and winning fame in England — has come to Uganda as a visiting professor. Theroux has never met anyone "so certain, so intense, so observant, so hungry, so impatient, so intelligent", and becomes Naipaul's guide in Africa. It is not an easy task. Theroux asks him if he can show him some of his poems. Naipaul replies: "I am brutal." Theroux escapes with the terse comment from Naipaul: "Full of libido." But of almost everything else in Africa, Naipaul is totally critical. The rest of the university staff — pretending, as he sees it, that Uganda is a democracy, pretending that their students can write poems — are dismissed as "infies", inferior human beings. When he is asked to judge a university literary prize, he insists that there shall be only one award, and that it shall be called "Third Prize". Theroux, as a young liberal, is dismayed by these reactions. But he comes to see that they all spring from Naipaul's

Critic versus critic

DERWENT MAY
SIR VIDIA'S SHADOW
By Paul Theroux
Hamish Hamilton, £17.99
ISBN 0 241 14046 3



hatred of falsity. It is the same hatred that makes him detest almost every other living writer. However, he is always encouraging to Theroux, and helps him with draft after draft of an essay on cowardice. So, as his title indicates, Theroux steps into his shadow. His recent volume of collected short stories, so consistently good, show what an excellent writer he has always been, and perhaps it would have been just the same if he had never met Naipaul. But Naipaul's marvellous bold-

ness and precision, like his uncompromising talk, were just the model that Theroux needed. They both leave Africa and live in different places, but Theroux goes on drawing encouragement from Naipaul's letters, until his own career as a writer blossoms into fame. After all that, some readers will think that his picture of Naipaul in Africa is a mean betrayal of him, and certainly it portrays Naipaul as unlovable in any simple way. But others, as I do, will see it as a portrait of a man that the world should treasure. There is a wonderful scene in London, when a TV crew comes to interview Naipaul in his flat. Naipaul demands as much as they would pay a world-class doctor or lawyer. He is offered £300. The TV crew are thrown out. Theroux wonders why they would not pay more. "Because they hold a writer in contempt," says Naipaul, speaking on behalf of all writers. The end of the book is tragic. Naipaul eventually, a year or two ago, broke with Theroux — perhaps, thinks Theroux, out of jealousy, perhaps through the influence of his second wife. After this rejection, Theroux turns on Naipaul, letting a whole stream of bitterness pour out. The control he has exercised collapses. Whatever, one wonders, is Naipaul thinking about this book? When Theroux wrote a critical book on him in 1970, he said: "You must give me the pleasure of seeing what I look like... Show me!" So perhaps he is quite unperturbed. Or is he murmuring to himself once again: "Infy!"

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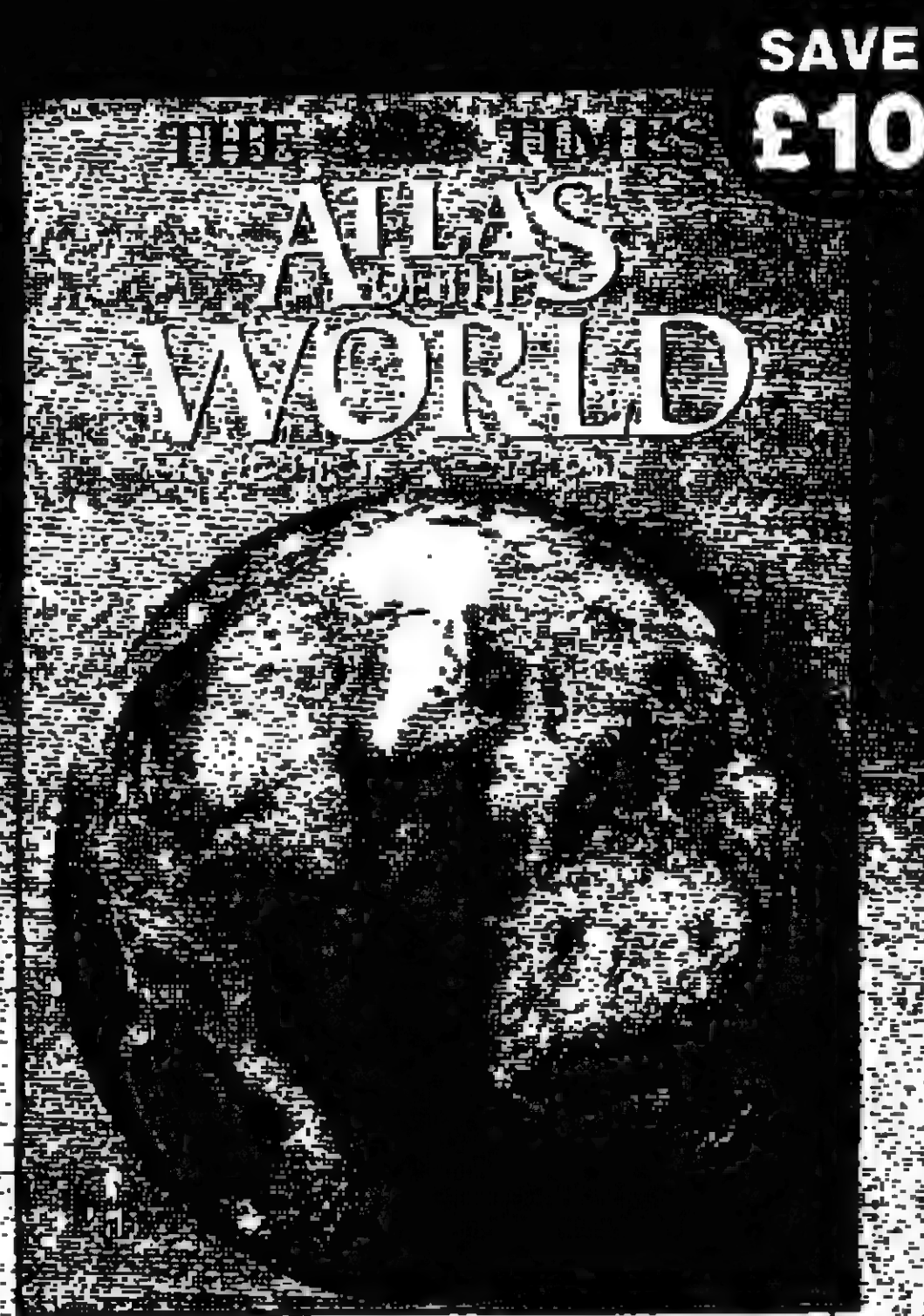
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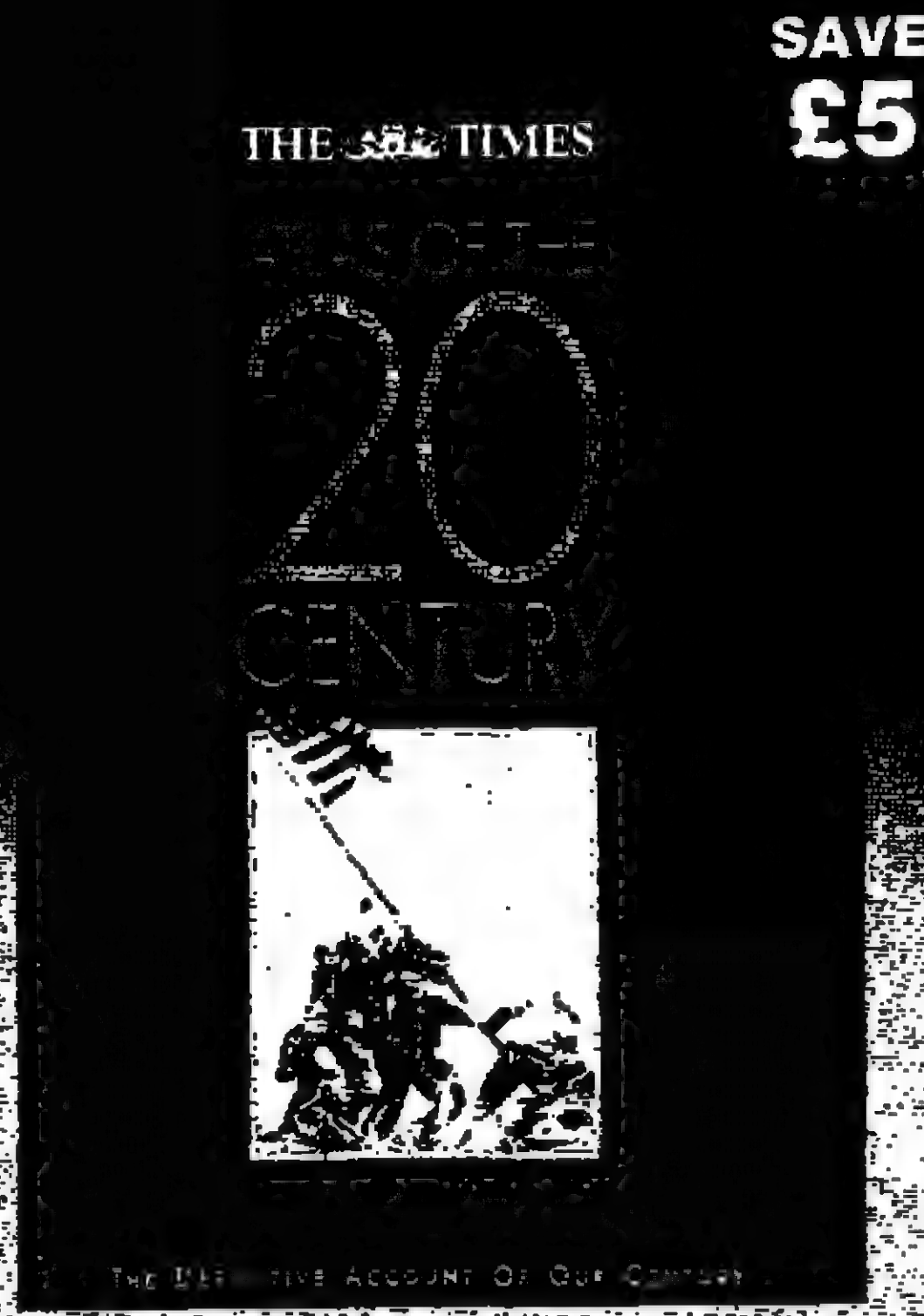
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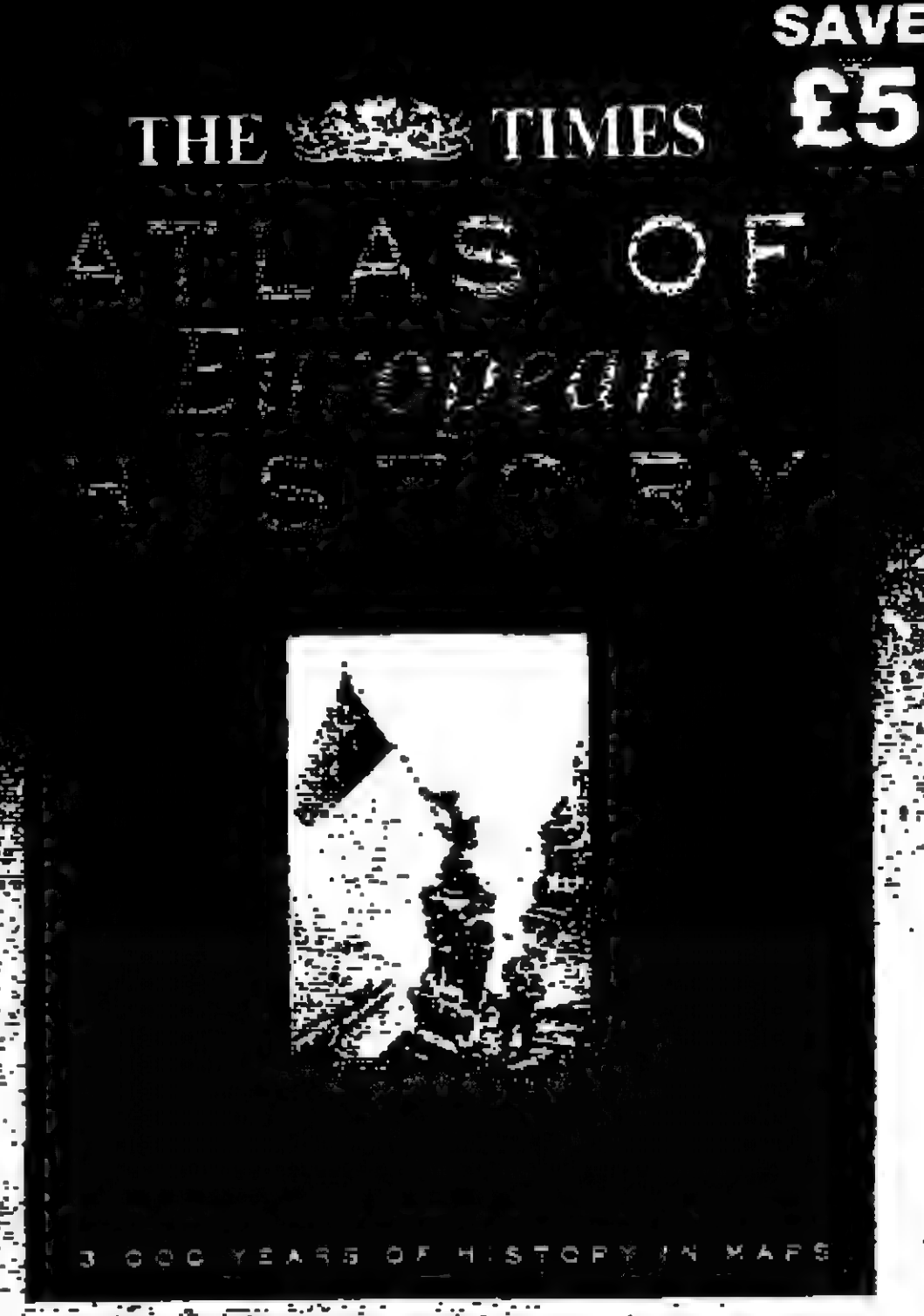
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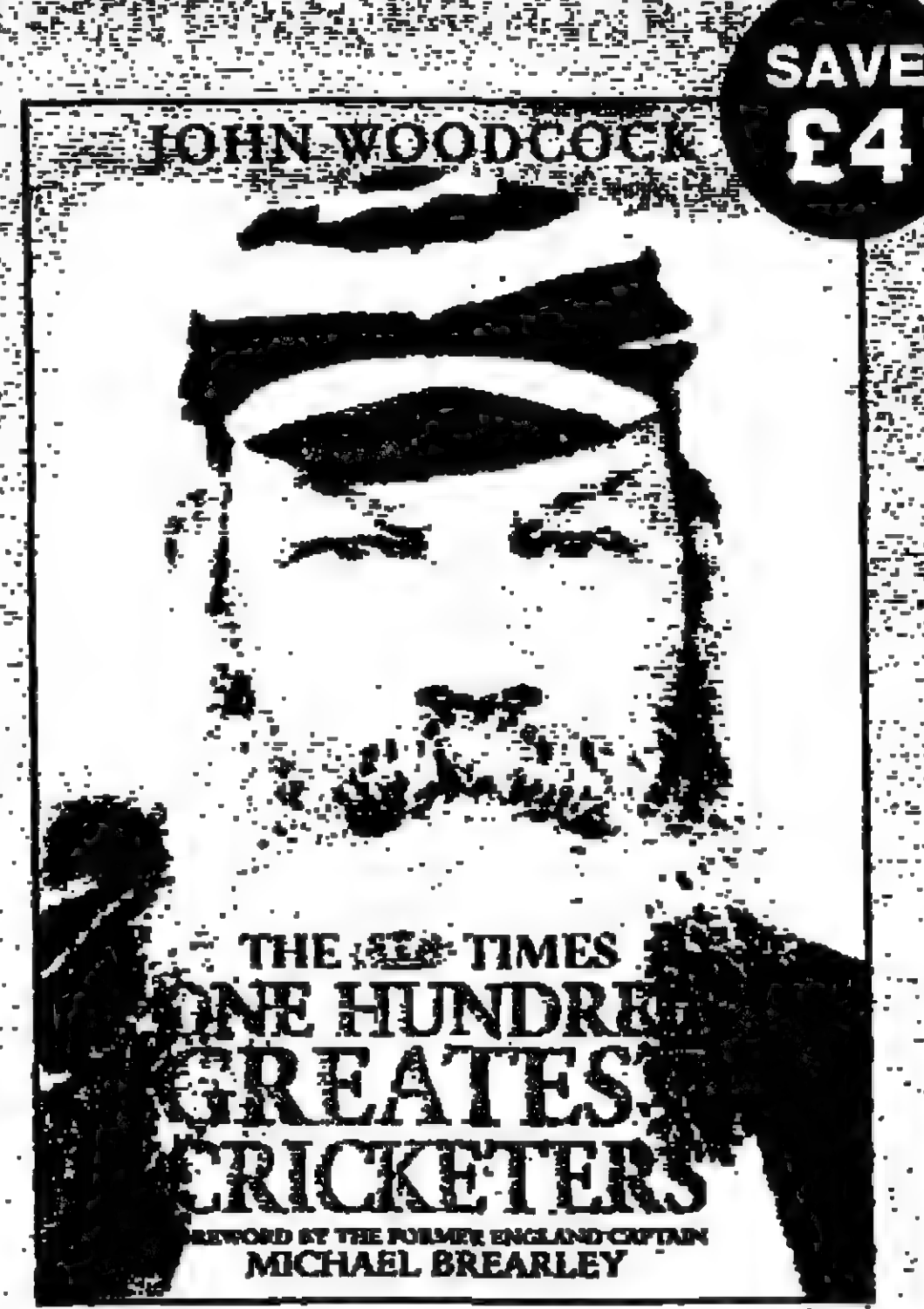
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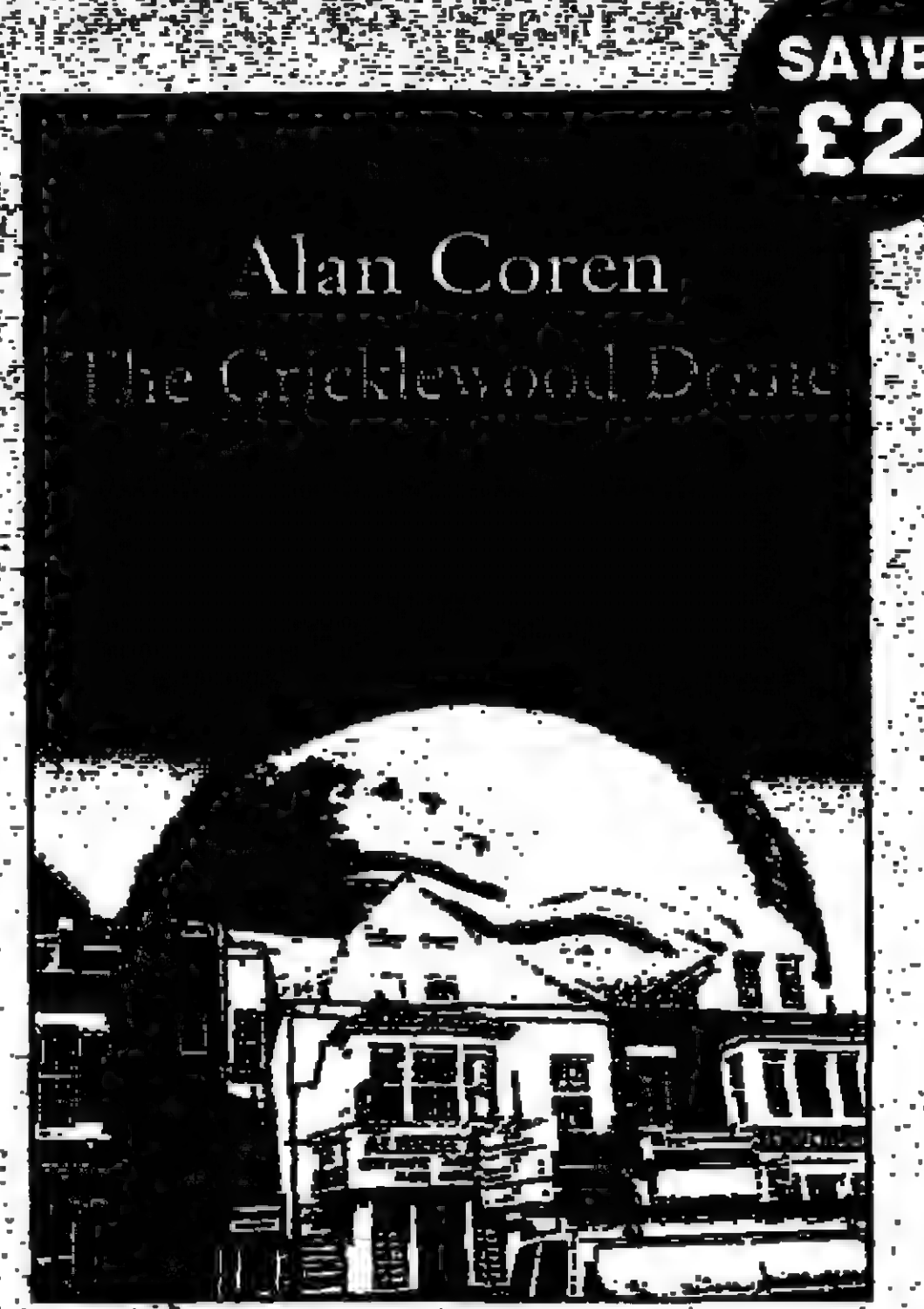
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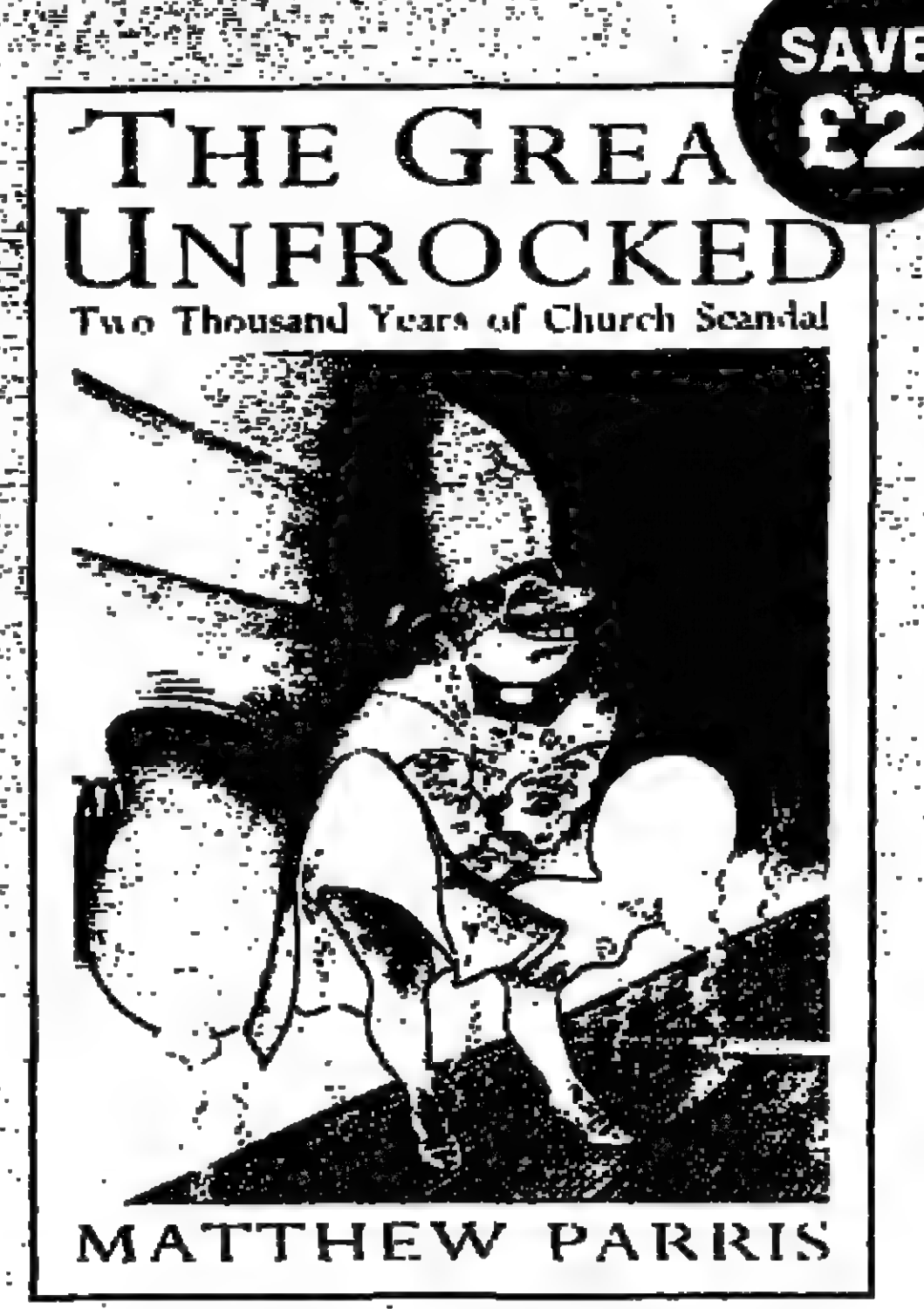
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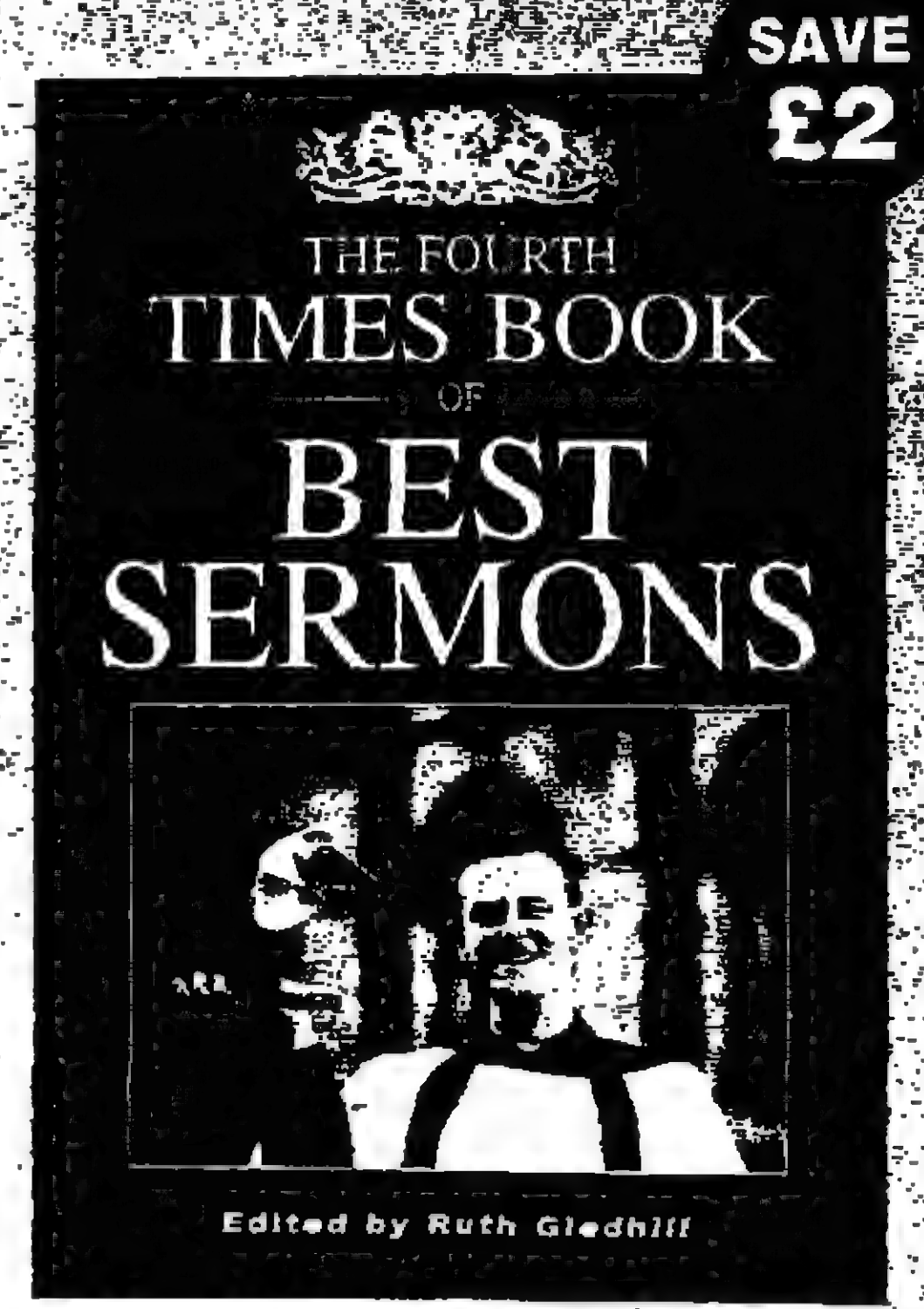
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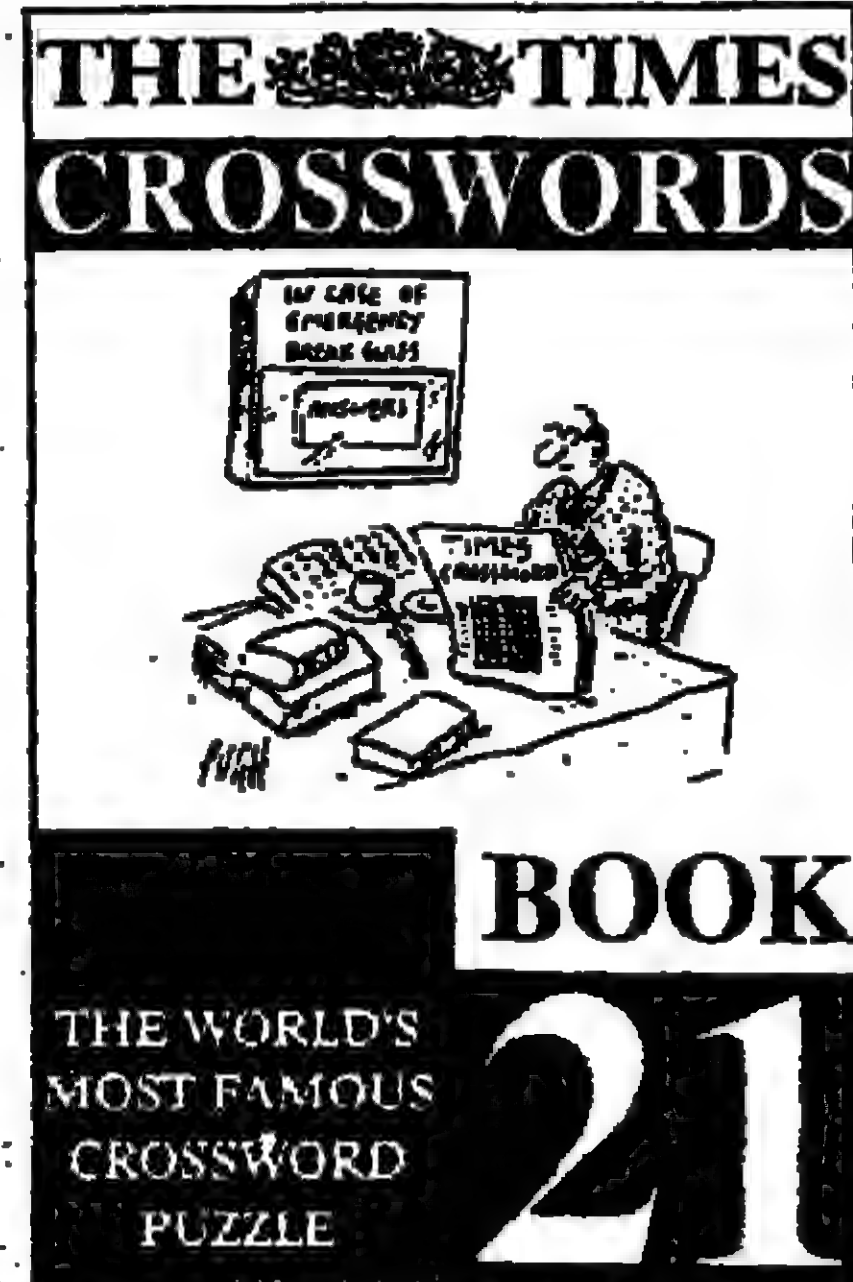
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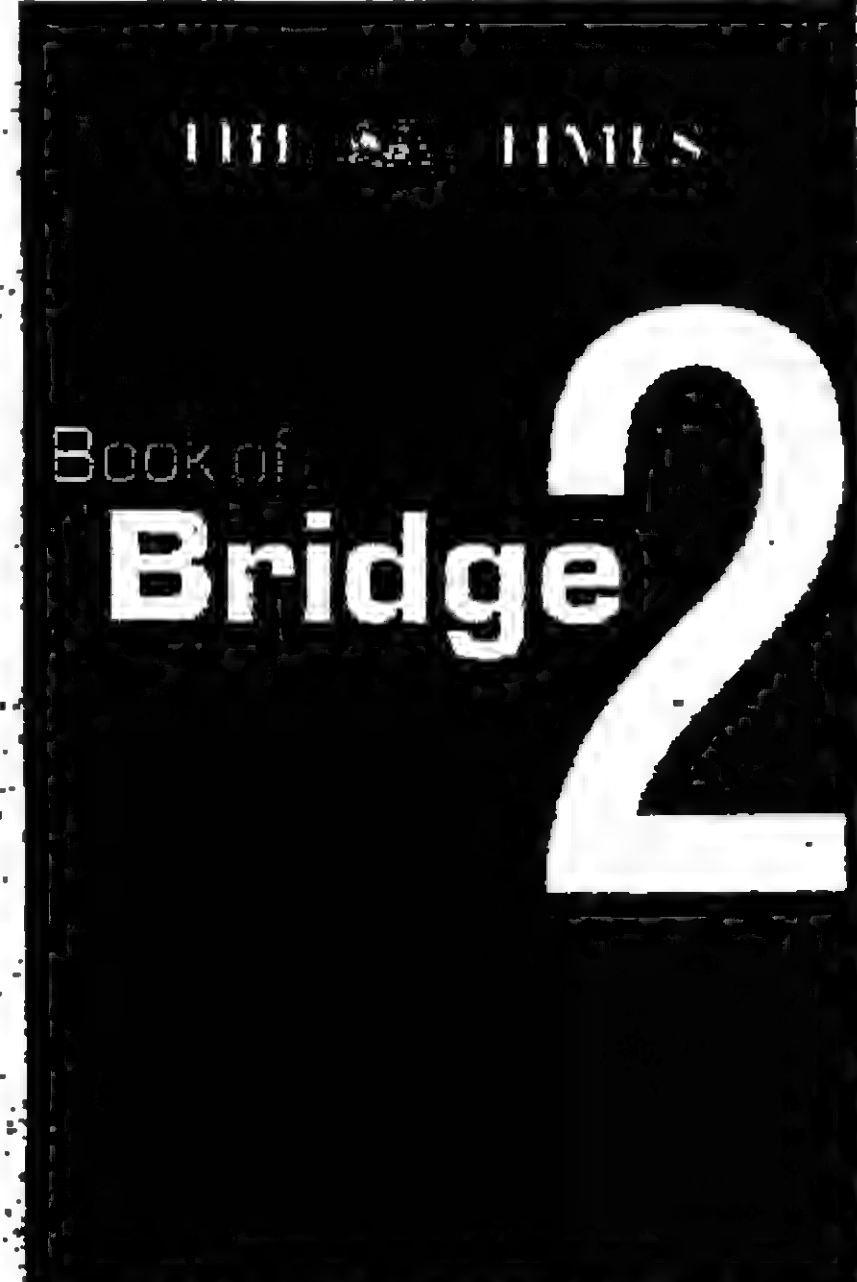


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Torture no part of head of state's function

Regina v Evans and Others. Ex parte Pinochet Ugarte. Regina v Bartle and Others. Ex parte Pinochet Ugarte. Amnesty International and Others, Intervening.

Before Lord Slynn of Hadley, Lord Lloyd of Berwick, Lord Nicholls of Birkenhead, Lord Steyn and Lord Hoffmann

[Speeches November 25]

A former head of state enjoyed immunity from arrest and extradition proceedings in the United Kingdom only in respect of official acts performed in the exercise of his functions as head of state.

The House of Lords held by a majority (Lord Slynn and Lord Lloyd dissenting) in allowing an appeal by the Commissioner of Police of the Metropolis and the Government of Spain from the decision of the Queen's Bench Divisional Court (Lord Bingham of Cornhill, Lord Chief Justice, Mr Justice Collins and Mr Justice Richards) (The Times November 3, 1998) granting orders of certiorari to quash warrants made under section 8(1) of the Extradition Act 1989 for the provisional arrest of Senator Augusto Pinochet Ugarte, the applicant, who was president of the government of Chile from 1973 until 1990.

On October 16, 1998, when the applicant was on a visit to the United Kingdom, Mr Nicholas Evans, Bow Street Metropolitan Stipendiary Magistrate, granted a provisional warrant for his arrest following the issue by the Central Court of Criminal Proceedings in Madrid, of an international warrant of arrest alleging that the applicant had murdered Spanish citizens in Chile.

A second warrant was then issued by the Spanish court accusing the applicant of crimes of genocide and terrorism between 1973 and 1978, contrary to Spanish law, and in respect of that a second section 8(1) warrant was issued on October 22 by Mr R. D. Bartle, Bow Street Metropolitan Stipendiary Magistrate.

The Divisional Court, in addition to quashing both warrants on the ground of immunities, held that the first warrant was also on the ground that the murder of Spanish citizens in Chile did not

constitute an extradition offence for the purposes of section 8(1). That decision was not the subject of appeal.

Chile had not waived immunity in respect of the acts of the applicant as former head of state, which had been the subject of a general amnesty in 1978 and subsequent scrutiny by the Commission of Truth and Reconciliation in 1990.

Leave to intervene in proceedings before the House was given to Amnesty International, the Medical Foundation for the Care of Victims of Torture, the Red Cross, Ms Mary Ann Bausaine, Ms Juanita Francisca Benavente and Dr Sheila Cassidy.

Leave was additionally given to Human Rights Watch, to Ms Nicole Franco-Drouilly, a representative member of the Association of the Relatives of Disappeared Detainees, and Mr Marco Antonio Enriquez Espinoza, to make available to solicitors and counsel for Amnesty, the arguments they wished to lay before the House and thereafter to apply to present any additional written submissions.

Mr Alan Jones, QC, Mr Christopher Greenwood, Mr James Lewis and Miss Campaspe Lloyd-Jacob for the appellants; Mr Ian Brownlie, QC, Mr Michael Fordham, Mr Owen Davies and Miss Frances Webber for Amnesty International and others; intervening, Mr Clive Nicholls, QC, Miss Clare Montgomery, QC, Miss Helen Malcolm, Mr James Cameron and Mr Julian B. Knowles for the applicant; Mr David Lloyd Jones as amicus curiae.

Mr Geoffrey Robinson, QC, Mr Edward Fitzgerald, QC and Mr Philippe Sautet for Human Rights Watch; Mr Nicholas Blake, QC, Mr Owen Davies and Mr Raza Husain for Drouilly and Espinoza.

LORD NICHOLLS said that the second warrant charged five offences but for present purposes he need refer to only two of them. One charged the offence of committing acts of torture contrary to section 134(1) of the Criminal Justice Act 1988. The other was homicide-taking, contrary to section 1 of the Taking of Hostages Act 1982.

Sovereign immunity might have been a single doctrine at the time when the laws of nations did not distinguish between the personal sovereign and the state, but in modern English law it was necessary to distinguish three different principles, two of which had been codified

in statutes and the third of which remained a doctrine of common law.

The first was state immunity, formerly known as sovereign immunity, now largely codified in Part 1 of the State Immunity Act 1978.

The second was the Anglo-American common law doctrine of act of state.

The third was the personal immunity of the head of state, which was now codified in section 20 of the 1978 Act.

Counsel for the applicant had submitted that in addition to those three principles there was a residual state immunity which protected former state officials from prosecution for crimes committed in their official capacities.

Section 1 of the 1978 Act provided that "a state is immune from the jurisdiction of the courts of the United Kingdom", subject to exceptions set out in the following sections, of which the most important was section 3, proceedings relating to a criminal transaction. By section 14(1) references to a state included references to the head of state.

However, Part 1 of the Act did not apply to criminal proceedings: see section 14(4). Contrary to the submissions of Mr Nicholls, that subsection could not be read as applying only to the exceptions to section 1.

Act of state non-judiciability. The act of state doctrine was a common law principle of uncertain application which prevented the English court from examining the legality of certain acts performed in the exercise of sovereign authority within a foreign country or, occasionally, outside it.

The modern view was that the principle was one of domestic law which reflected a recognition by the courts that certain questions of foreign affairs were not justiciable and, particularly in the United States, that judicial intervention in foreign relations might trespass upon the province of the other two branches of government.

It was not necessary to discuss the doctrine in any depth because, in the present case, it was clear that the act of state doctrine was not a contrary intention shown by Parliament. Where Parliament had shown that a particular issue was to be justiciable in the English courts, there could be no place for the courts to apply that self-denying principle.

The doctrine of torture in section 134(1) of the 1988 Act made clear that prosecution would involve the act of state doctrine.

In the latter case, the overall history of the litigation and the circumstances in which discontinuance occurred would become particularly large.

In the former, while the court must act on the basis of what was fair and just, the starting point and principal circumstance to be borne in mind was that the plaintiff had alleged that the defendant was a state official who had acted in his official capacity without argument or adjudication and must therefore, prima facie, be regarded as having lost the day on all of them.

In the present case, his Lordship accepted the second defendant's argument that the recorder did not consider what additional costs had in fact been occasioned by the unreasonable conduct identified, namely failure to plead the cherry picker defence sooner and that, in fact, no additional costs had been caused by reason of its late proposal over and above those which would have arisen had it been raised in the original defence.

That was because, having received and considered the substance of the amended defence in December 1996, the plaintiff had made a clear decision to proceed with the case to trial despite that proposed solution.

In those circumstances, it seemed plain that the defendants should not have been ordered to pay the whole of the plaintiff's costs up to January 10, 1997 or any of them, simply on the basis that the defence was raised late in proceedings. Nor, considered as at that date, did any unusual or exceptional circumstance exist on the basis of which it was appropriate to order that there be no order for costs.

The recorder also erred in ordering that each party bear its own costs after January 10, 1997. So far as the court was concerned, the matter in dispute had been conceded; the plaintiff having withdrawn on the basis of evidence which was not before the court and in relation to which the court had never been called upon to adjudicate.

In those circumstances, the appeal would be allowed and the order varied so that the plaintiff pay the second defendant's costs of the action.

Lord Justice Aldous and Lord Justice Simon Brown agreed.

Solicitors: Herbert Smith: Cameron McKenna.

was "a rule of international comity restraining the sovereign state from sitting in judgment on the sovereign behaviour of another". It therefore applied to all sovereign conduct within Chile.

The House had had the advantage of much fuller argument and the citation of a wider range of authorities than had the Divisional Court.

His Lordship respectfully suggested that, in coming to that conclusion, the Lord Chief Justice had elided the domestic law doctrine of act of state, which had often been stated in the broad terms he used, with the international law obligations of this country towards foreign heads of state, which section 20 of the 1978 Act was intended to codify.

Article 39.2, as modified and applied to former heads of state by section 20, was apt to confer immunity in respect of acts performed in the exercise of functions which international law recognised as functions of a head of state, irrespective of the terms of his domestic constitution.

It hardly needed saying that torture of his own subjects, or of aliens, would not be regarded by international law as a function of a head of state. Similarly, the taking of hostages, as much as torture, had been outlawed by the international community as an offence.

International law recognised, of course, that the functions of a head of state might include activities which were wrongful, even illegal, by the law of his own state or by the laws of other states.

But international law had made plain that certain types of conduct, including torture and hostage-taking, were not acceptable conduct on the part of anyone.

That applied as much to heads of state, or even more so, as it did to everyone else: the contrary conclusion would make a mockery of international law. There was made clear long before 1973 and the events which took place in Chile then and thereafter.

Residual immunity. His Lordship had no doubt that a current head of state was immune from criminal process under customary international law.

Although a broad principle according former public officials a degree of personal immunity against prosecution in other states would be consistent with the rationale underlying section 20 it would not assist the applicant.

Clearly, international law did not recognise that it was one of the specific functions of a head of state to commit torture or genocide. But the fact that in carrying out other functions a head of state committed an illegal act did not mean that he was no longer to be regarded as carrying out one of his functions.

If it did, the immunity in respect of criminal acts would be deprived of much of its content. It was not right to draw a distinction for this purpose between acts whose criminality and moral obliquity was more or less great.

Here, the acts relied on in the international warrant were done as part of the carrying out of the applicant's functions when he was head of state.

The next question was whether that immunity was cut down, as a matter of the interpretation of the Convention and the 1978 Act, in the light of developments in international law relating to what were called international crimes.

There was no doubt that states had been moving towards the recognition of some crimes as those which should not be covered by claims of state or head of state or other official or diplomatic immunity when charges were brought before international tribunals.

Movement towards the recognition of crimes against international law was also to be seen in the decisions of national courts, in the resolution of the General Assembly of the United Nations 1946, in the reports of the International Law Commission and in the writings of distinguished international jurists.

It had to be said, however, at this stage of the development of international law that some of those statements read as aspirations, as embryonic.

It had not been shown that there was any state practice or general consensus at large a widely supported convention that all crimes against international law should be justiciable in national courts on the basis of the universality of jurisdiction.

That international law crimes should be tried before international tribunals or in the perpetrator's own state was one thing; that they should be impleaded without regard to a long established customary international law rule in the courts of other states was another.

The core question was did international law now recognise that some crimes were outside the protection of the former head of state immunity so that immunity in article

39.2 was equally limited as part of domestic law. If so, how was that established?

There was a difficult question about which there was still much debate and uncertainty. A national judge had to go cautiously in finding that the immunity in respect of former heads of state had been cut down.

Immunity, it had to be remembered, reflected the particular relationship between states by which they recognised the status and role of each others' head and former head of state.

What was needed, in the absence of a general international convention defining or cutting down head of state immunity, in order to define or limit immunity in a particular case, was to find provision in an international convention, to which the state asserting and the state being asked to refuse immunity were parties, which clearly defined a crime against international law and required or empowered a state to prevent or prosecute the crime, whether or not committed in its jurisdiction and whether or not committed by one of its nationals.

It had to make clear that a national court had jurisdiction to try a crime alleged against a former head of state, or that having been a head of state was no defence and that expressly or impliedly the immunity was not to apply so as to bar proceedings against him.

The convention had to be given the force of law in the national courts of the state in a dualist country like the United Kingdom that meant by legislation.

Neither the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (December 10, 1984) nor the International Convention against the Taking of Hostages (Crund 9100), nor the Acts of 1988 and 1982 by which they were incorporated into English law, contained any provisions which could be said to take away the customary international law immunity as head of state or former head of state.

Lord Lloyd delivered an opinion concurring with Lord Slynn.

Solicitors: Crown Prosecution Service, Home Office, Binns & Partners, Kingsley Napley, Treasury Solicitor.

Leigh Day & Co, Winstanley-Burgess.

Justifying order for costs

RTZ Pension Property Trust Ltd v ARC Property Developments Ltd and Another

Before Lord Justice Simon Brown, Lord Justice Aldous and Lord Justice Potter

[Judgment October 29]

To justify an order that the defendant pay the plaintiff's costs upon the latter's discontinuance of an action against him, it is necessary to demonstrate misconduct of the defendant in the sense of some act, omission or course of conduct by the defendant which was unreasonable or improper, such as perverse encouragement of the plaintiff into action by concealing the existence of a defence.

Where the defendant's late amendment of his defence caused no additional costs because the plaintiff, having considered it, nevertheless proceeded to trial, only abandoning his case later, it would not be appropriate to order costs against the defendant.

The Court of Appeal so held, granting leave to appeal and allowing the appeal of the second defendant, ASFA Ltd, against the order of costs made by Mr Recorder Moxon-Browne, QC, sitting on official reference's business on November 27, 1997, following the discontinuance of an action by the plaintiffs, RTZ Pension Property Trust Ltd, against the first defendants, ARC Property Developments Ltd, and the second defendants.

The costs order provided, inter alia, that the first defendant pay the plaintiff's costs of the action up to and including January 10, 1997, and thereafter there be no order for costs.

The first defendants were property developers and the second defendants architects. The plaintiffs were owners of mixed commercial and residential premises in Bristol which the plaintiffs purchased on June 30, 1989.

By writ dated May 30, 1995, the plaintiff sued the first defendant for breach of warranty and the second defendants for breach of the common law duty of care in respect of defects of design and in particular the failure to provide proper access to inspection, maintenance and cleaning of large parts of the external aluminium curtain walling on the eastern elevation of the development.

Neither defendant pleaded nor

until delivery of their expert's report in December 1996, raised any positive case on what eventually became their defence, namely that no permanent means of access was required because men working from a suspended cradle known as a "cherry picker" could do the job sufficiently well whenever required.

That solution was incorporated into the amended defence on December 2, 1996. The recorder found that by January 10, 1997, the plaintiff had had reasonable opportunity to digest the contents of the report giving details of the solution proposed.

The plaintiff continued to trial on the basis that the cherry picker solution was unproven and unacceptable. The trial began on March 10, 1997 and the evidence largely completed when it was adjourned on March 25, 1997 for lack of time.

The second defendants then decided to provide a demonstration of their proposals on the plaintiff's building, which proved that the cherry picker was effective. On September 22, 1997, the plaintiff discontinued its action, with the defendants' consent subject to the question of costs.

The recorder found that the defendants' failure to plead the case on which they ultimately relied was a serious and unreasonable omission, leading the plaintiff into pursuing the litigation, and that in the circumstances the defendants should pay the plaintiff's costs up until January 10, 1997.

After that date, the plaintiff knew what was being proposed and was willing to proceed with the action; but equally the defendants were wrong to come to court asserting an unproven solution to the plaintiff's difficulties. Accordingly, he ruled, there should be no order for costs after January 10, 1997.

Order 21, rule 3 of the Rules of the Supreme Court provides that "the court hearing an application for the grant of leave to discontinue may order the action or counterclaim to be discontinued, as against any or all of the parties against whom it is brought or made on such terms as to costs as it thinks fit."

Mr Nicholas Denny QC and Ms Chantal-Aimee Doerries for the second defendant; Mr William Godwin for the plaintiff; LORD JUSTICE POTTER said

the wording of Order 21, rule 3 appeared to be designed to give the court the widest possible discretion over costs.

While an order for payment of a discontinuing plaintiff's costs would rarely be appropriate, in which the court sought ways to prevent unnecessary costs and delay in the resolution of the case, that the recorder should regard himself as shackled from making such an order where appropriate, for example where a defendant pervertedly encouraged a plaintiff into action by concealing the existence of a defence, although reasonable in prior proceedings to make disclosure.

Where discontinuance occurred in circumstances tantamount to an acknowledgement of defeat, then the normal rule, that the defendant was entitled to an order for costs of the action, should apply unless good reason could be shown to the contrary. The nature of that good reason would vary according to the form of order which the plaintiff sought.

The alternative forms were no order for costs or, more rarely, an order that the defendant pay the plaintiff's costs in respect of a particular issue or issues, or a particular period of time, in respect of which costs had been wasted or unnecessarily incurred as a result of the defendant's conduct of the proceedings.

To justify an order that the defendant pay the plaintiff's costs, it was necessary to demonstrate misconduct of the defendant in the sense of some act or omission or course of conduct by the defendant which was unreasonable or improper for the purposes of Order 62, rule 10(1) of the Rules of the Supreme Court, under which costs could be denied to a party, on the basis of "misconduct or neglect in conduct of any proceedings".

To justify an order that there be no order as to costs in respect of proceedings or any part of them, the test should be the wider one of what was fair and just in all the circumstances.

That would be so whether the application was made in respect of some limited issue or aspect of the defendant's conduct or of the proceedings as a whole on the basis that they had become of academic interest only.

Regina v Secretary of State for Social Security, Ex parte West. An alleged parent had been "found, or adjudged, to be the father of the child in question" within the meaning of Case F under section 26(2) of the Child Support Act 1991 where, following applications for contact and parental responsibility orders made by him or her, the court was satisfied that he was the father and not the mother, a district judge had made a consent order granting interim contact and parental responsibility.

The Court of Appeal (Lord Justice Nourse, Lord Justice Henry and Lord Justice Robert Walker) so held on November 23, when granting the applicant, Shirley West, leave to apply for judicial review,

Conviction annulled not quashed

Regina v Booth

Regina v Molland

Regina v Wood

Before Lord Justice Henry, Sir Patrick Russell and Judge Beaumont, QC

[Judgment November 23]

Where a trial on indictment was declared a nullity by the Court of Appeal but the court declined to order a fresh trial, the conviction was not quashed but was set aside.

The Court of Appeal, Criminal Division, so held in a reserved judgment granting an application by the Crown that the order of the court on July 23 1998 quashing the convictions of Stephen Booth, Noel Ray Casley Molland and Swayne Barchard Wood be varied to give effect to the order intended by the court.

Mr Ben Emmerson, assigned by the Registrar of Criminal Appeals, for the appellants; Mr Richard Onslow and Miss Kate Lumsdon for the Crown.

LORD JUSTICE HENRY, giving the judgment of the court, said that the case concerned the order that the court should make when it allowed a criminal appeal on the ground that there had been a miscarriage of justice which would justify a *de novo*, but the court, in its discretion, decided that the appellants should not be tried again.

The order of the court read that the Court of Appeal, Criminal Division, "has allowed the appeal and quashed the conviction". The Crown did not believe that that was the order intended or that should have been made and accordingly applied for it to be varied to read: "that the purported convictions be set aside and annulled".

Following *R v Rose* [1992] AC 822, once the conclusion was reached that there was no valid indictment, no trial, no valid verdict and no valid sentence, section 2 of the Criminal Appeal Act 1968 had no application. The court had no jurisdiction to grant the appellants a statutory acquittal. Where there was a miscarriage and no valid conviction, it was a contradiction in terms to "quash" that conviction, because it never existed.

Mr Emmerson accepted that the original trial was a nullity, but contended that in such a case where the court declined to order a *de novo*, the correct order was that the conviction be quashed. He referred their Lordships to four reported cases: *R v Hayes* (1951) 1 KB 29, *R v Gush* (1966) 51 Cr App R 371, *R v Thompson* (1975) 1 WLR 1425 and *R v Cairns* (1988) 87 Cr App R 287.

But in all those authorities, the jurisdiction had been assumed rather than investigated and in none of them had *R v Rose*, nor

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CRICKET

Lloyd backs Stewart to recover his form

FROM ALAN LEE, CRICKET CORRESPONDENT, IN PERTH

ALEC STEWART had a lot on his mind yesterday, and a long time for consideration. It took the England team nine hours to complete the east-west journey from Brisbane to Perth and if Stewart had been a sensitive soul, he would not have been staying off the boredom by reading the Australian newspapers.

Already, with one inconclusive Test match completed, they are gloating that Stewart's duties are too heavy, that his batting is in turmoil and that, anyway, he has never yet proved himself against the best team in the world. On figures alone, and indeed on the evidence of two rapid failures in Brisbane — both alarming misjudgments — they may have a point.

Stewart, according to one newspaper here, "has more jobs than a boarding-school matron" and "is making heavy weather of his assignment". Being one sportsman who does read the papers and refuses to pretend otherwise, Stewart is keenly aware of his own publicity but declines to dignify it with a response. He looked thoughtful yesterday, but far from forlorn.

Scorn has never scarred Stewart, especially the scorn of Australians. He has heard too much of it, grown his thick skin and developed his reflex responses. If he is worried right now, it does not show. Publicly, he will only repeat one of his regular soundbites and say: "You always back yourself."

In this, he has the full endorsement of David Lloyd, the coach, who responded to his captain's lack of runs quite simply. "He'll make them, I

don't worry about that at all," he said. One would expect nothing other than this rank-closing confidence, but it is not necessarily convincing.

In twenty Test matches against Australia, Stewart has not made a century and averages only 25. On this tour, his first-class scores are 0, 0, 52, 0, 8 and 3. Moreover, in Brisbane, the weakest area of his game, a tendency to start woodenly against spin bowling, was thoroughly exposed.

This represents the first serious examination of his ability to sustain the three key roles that are being asked of him. Combining batting, wicket-keeping and captaincy is no great problem while you are making runs and winning games, but Stewart is now having to confront a dip in form at the very time that his team is struggling to rise above the soft subservience of recent Ashes tours.

The Australians know better than to believe that Stewart's temperament is vulnerable in such a period, for they greatly respect his strength of character, but they have rather less regard for his batting technique, especially in a middle-order position where he can be attacked immediately with spin. There is no prospect of him returning to opening — it does not suit England's balance and it would ask even more of his constitution — so there he must stay.

Much the best news for Stewart, as he looked ahead to the second Test starting here on Saturday, is that the only spin he can possibly face is the part-time off-breaks of Colin Miller, the Tasmanian. The exclusion of Stuart MacGill



Stewart trudges off after his second failure in the first Test match at the Gabba

has not been warmly received here and there is now a possibility that he will not play again in the series, if Shane Warne's recovery continues ahead of schedule.

Warne starts another Sheffield Shield match for Victoria in Melbourne today and will also play in the four-day game against England next week before it is decided if he is ready to be brought back for the third Test in Adelaide.

More immediately, England must address the deficiencies of Brisbane in a number of ways if they are to avoid being blown away on a Perth ground where they have lost heavily on their past two vis-

its. The indications are that they will reinforce their batting by including John Crawley ahead of Robert Croft, and that there may also be a change in the fast-bowling department, with a chance being given either to Dean Headley or Alex Tudor.

Lloyd was impressed by the response of Alan Mullally, who took five wickets in a Test innings for the first time in Brisbane, and identifies him as one of his great assets. "He's like Glenn McGrath in that he just wants to keep going, and I see him having a big part here as someone who can bowl into the wind but still take wickets," Lloyd said.

Quite rightly, Lloyd was less complimentary about some of the batting, both from the tailenders in the first innings and certain of the top order in the second. "We made basic errors and we must eradicate them," he said. "We need to sustain performances over five days to win the Ashes."

One man unlikely to be around to see the outcome is Graeme Hick. A week after his hasty arrival on standby, while Michael Atherton struggled with back problems, Hick has been told that he can expect to fly home before the end of the Perth Test, so long as Atherton's condition does not recur.

West Indies hope for change of fortune

FROM THRASY PETROPOULOS IN JOHANNESBURG

LITTLE has happened to cheer West Indies since they took their first faltering steps on a tour of South Africa that is rich in cultural and historical significance.

First there was the farce played out between two Heathrow hotels less than three weeks ago, which included the dismissal and later reinstatement of Brian Lara, the captain, and Carl Hooper, the vice-captain, who were seen as the protagonists in a players' revolt over demands for more money. President Mandela intervened, while Pat Rouseau, president of the West Indies Cricket Board, rather lamely claimed that the whole sorry affair had been no more than a "misunderstanding".

That was followed by injuries to key players, and an astonishing defeat by Orange Free State earlier this week, which would only have served to extend the impression of foreboding that has enveloped the tourists.

It is, therefore, a chastened West Indies side that will confront South Africa at The Wanderers here today in the opening match of a five-Test series, the first such contest between these two teams on African soil.

Heardening to the touring team will be the news that Courtney Walsh — who is only one short of Malcolm Marshall's West Indies Test record of 376 wickets — and Curtly Ambrose have recovered from injuries (knee and ingrowing toenail) that had threatened to keep them sidelined. Their presence should ensure a bowling depth that was visibly lacking against Free State, who, having been dismissed for 67 in the first innings, successfully chased a target of 438 to win by two wickets.

Nixon McLean offered some optimism by taking seven for 28, a career-best, in the first innings, but Dinanath Ram-

narine, the leg spinner, is being replaced by Ravi Lewis, who is at present on the West Indies A tour of India. Ramnarine's troubled right shoulder has not shown sufficient signs of recovery, so West Indies have no option but to play four fast bowlers.

Stuart Williams is likely to bat at No 6, a position that became vacant when Jimmy Adams severed tendons in a finger while sliding a bread roll on the flight from London. Ridley Jacobs appears certain to earn his first Test appearance after keeping wicket in both first-class tour matches.

The South Africa side is notable for the inclusion of David Terbrugge, 21, a flame-haired fast bowler who set his sights for this season no higher than establishing himself in the Gauteng side.

Adam Bacher and Pat Symcox are recalled, although Symcox may give way to Paul Adams.

SOUTH AFRICA (from): W J Cronje (captain), S M Pollock, G Koen, A M Bacher, J H Kallis, D J Ollmar, J N Rhodes, M V Boucher, P L Symcox, A A Donald, P R Adams, D Terbrugge.

WEST INDIES (from): B C Lara (captain), C L Hooper, C B Lombard, P A Wallace, S Chandrasekhar, R D Jacobs, F A Rose, C A Walsh, C L Anderson, N A M McLean, N O'Connell, S G Williams.



Walsh: close to record

Rouseau robbed, page 20

Barnett expresses desire to leave Derbyshire

BY RICHARD HOBSON

DERBYSHIRE'S problems escalated yesterday when Kim Barnett, the former captain, underlined his determination to leave. He insists that he could move elsewhere to play — even though a press statement from the County Ground suggested that his departure would be sanctioned only "to pursue a furthering of his career after his playing days ended".

Barnett, whose 23,854 runs from his twenty seasons is a Derbyshire record, has two years of his contract remaining, but is annoyed at the club's failure to resolve the

captaincy issue. Dominic Cork is threatening to step down unless Harold Rhodes, a committee member, and Andrew Hayhurst, the director of coaching and development, are removed from influence on the side.

Barnett, 38, is also unhappy at "the way the club is being run, particularly towards the players". He has aired these concerns to Brown and John Smedley, the general manager. He said: "I pointed out that the club was not going anywhere and asked whether they would be will-

ing to release me. The chairman said he would put it to the cricket committee on Monday. He told me after the meeting they would not stand in my way. At no stage were conditions about coaching or anything else mentioned."

"I know that I was told by the chairman I could go if I wanted. Whether the chairman had pressure applied by other members of the committee afterwards I do not know."

Yorkshire, Gloucestershire and Glamorgan are interested in Barnett, who has pledged to represent Cork at a forum organised by members next Thursday.

Court of Appeal

Law Report November 26 1998

Chancery Division

Betting decision not arbitration

Disclosed documents undertaking

O'Callaghan v Coral Racing Ltd
Before Lord Justice Hirst, Lord Justice May and Sir Christopher Slade

[Judgment November 19]

A clause in a gaming agreement under which disagreements could be referred to the editor of *The Sporting Life*, was part and parcel of a void agreement and could not survive independently. It was not an arbitration clause since the hallmark of arbitration was a procedure to determine the legal rights and obligations of the parties judicially, which was enforceable in law.

The Court of Appeal so held dismissing an appeal by the plaintiff, Terence Matthew O'Callaghan, from the dismissal by Mr Justice Toulson made on May 14, 1997 of the plaintiff's originating motion for an order that the award made in favour of the defendants, Coral Racing Ltd, on January 31, 1997 by the editor of *The Sporting Life*, Mr Tom Clarke, be dismissed.

Section 18 of the Gaming Act 1845 provides: "All contracts or agreements, whether by parole or in writing, by way of gaming or wagering, shall be null and void; and no suit shall be brought or maintained in any court of law and equity for recovering any sum of money or valuable thing alleged to be won upon any wager, or which shall have been deposited in the hands of any person to abide the event on which any wager shall have been made."

Mr Robert Enghart, QC and Miss Joanna Pollard for the plaintiff; Mr William Morris, QC and Miss Lucy Moorman for the defendant.

LORD JUSTICE HIRST said Mr O'Callaghan had placed two bets at Coral's shop in Cardiff while the shop was still open but after it had gone through its closing down procedures. One of the betting slips, processed at 5.59pm, one minute before closing time, was for a £50 "correct score" accumulation bet on four football matches, which predicted, correctly as it turned out, the score in all four. Neither betting slip had been photographed, contrary to normal procedure.

Had the bet been valid, he would have garnered £259,200, a win at odds of more than 5,000 to one. Coral's rules reserved the right to declare void any betting slips with whose bona fides they were not satisfied. The rules also provided for disputes to be submitted for arbitration to the editor of *The Sporting Life*, whose decision would be considered final.

Coral had expressed concern about the bona fides of Mr O'Callaghan's bet in the absence of photographic evidence, and had returned his stakes. The matter had been referred to the editor of *The Sporting Life*, who considered submissions from the parties.

count by the panel appointed by editor, which upheld Coral's right to declare the bet void.

The plaintiff had vainly sought to persuade the editor to reconsider the matter on various grounds, including a breach of natural justice in refusing to disclose Coral's evidence to him.

When that request had been refused, the plaintiff had sought an order for remission of the award under section 22(1) of the Arbitration Act 1950 and leave to appeal under section 1(3)(b) of the Arbitration Act 1979. Mr Justice Toulson had refused both requests.

He decided that the arbitration clause was void because it formed an integral part of a wagering contract which was void by reason of section 18 of the Gaming Act 1845. The matter submitted to the editor was no more and no less than the plaintiff's claim to the payment of the bet and would have been bound to fail because of the illegality of the contract. He also decided that the clause in Coral's rules did not qualify as an arbitration contract within the meaning of the Arbitration Act.

His Lordship rejected a submission by Mr Enghart that the agreement to submit disputes to the editor might be severable in the light of *Harbour Assurance Co (UK) Ltd v Kansa International Insurance Co Ltd* [1993] 1 Lloyd's Rep 453 and *Soleimany v Soleimany* [1993] 3 WLR 811.

The gaming transaction was declared null and void by section 18. It was manifest that the arbitrator, if such he was, would be obliged to hold that the gaming transaction was void. He would also be obliged to acknowledge, under the second limb of section 18, that he was debarred from awarding any sum of money alleged to have been won on the bet.

Consequently, the clause must be treated as an integral part of the terms on which alone Coral was willing to do business with the plaintiff, and consequently could not be separated from the rules and could not survive independently.

Turning to the issue whether the clause was an arbitration clause, his Lordship said he had been struck by the arbitration process was that it was a procedure to determine the legal rights and obligations of the parties judicially, with binding effect, which was enforceable in law, thus reflecting in private proceedings the role of a civil court of law.

The clause in Coral's rules, on the other hand, established a procedure which was devoid of any legal consequences whatsoever, and which lacked most of the key characteristics identified by the textbooks. It would be stretching the traditional concept of arbitration beyond breaking point to hold that the clause qualified as such.

was by section 18 null and void. That meant that the transaction was not in law a contract and, if that was not unambiguous, that it was not a transaction which could be enforced by proceedings in court.

It was open to the parties to a betting transaction to agree means whereby disputes arising from their transaction might be settled and they might, if they wished, call such a process "arbitration" and call the person to whom they had submitted the dispute an "arbitrator". Their arbitrator might proceed to make and communicate a decision, by which the parties might abide.

But since the transaction was not in law a contract, the decision could not make any determination of rights, obligations or incidents of the transaction which had any effect in law. There were no such rights, obligations or incidents.

That extended not only to any en-

forcement to payment asserted by the person placing the bet, but also to the meaning and effect of the bookmaker's terms of business. The parties' arbitrator could make a domestically interesting statement expressing his view of their meaning and effect, but in law it was no more effective than silence.

That meant, in his Lordship's judgment, that the "arbitration agreement" in the case was not one to which the Arbitration Act could apply. It also meant that the court could do nothing for the parties beyond telling them, what they already knew, that their transaction was not in law a contract. As a court of law, the court could only deal substantively with transactions having a legal effect, which the transaction in the case did not.

Sir Christopher Slade agreed with both judgments.

Solicitors: Denton Hall; Nicholson Graham & Jones.

Threat is insult for contempt purposes

Manchester City Council v McCann and Another

Before Lord Woolf, Master of the Rolls, Lord Justice Henry and Lord Justice Clarke

[Judgment November 16]

A county court judge could fine or commit a person to prison for contempt under section 118 of the County Courts Act 1984 for wilfully insulting a witness on his way to or returning from court, his powers were not limited to offences committed in the face of the court.

A threat was an insult for the purposes of section 118 of the 1984 Act.

The Court of Appeal so held in a reserved judgment allowing an appeal by the plaintiff, Manchester City Council, against the decision of Judge Holman at Manchester County Court on June 10, 1998 to dismiss its application to commit Richard McCann, the husband of the defendant, Margaret McCann, to prison for contempt under section 118 of the County Courts Act 1984. The application was remitted to the county court.

Act 1984 provides: "(1) If any person — (a) wilfully insults the judge of a county court, or any juror or witness, or any officer of the court during his sitting or attendance in court, or in going to or returning from the court; ... any officer of the court; ... any officer of the judge; take the offender into custody and detain him until the rising of the court, and the judge may, if he thinks fit, — (i) make an order committing the offender ... to prison; or (ii) impose upon the offender ... a fine ... or may both make such an order and impose such a fine."

Mr Michael Lemmy for the council; Mr Nigel Bird for Mr McCann.

THE MASTER OF THE ROLLS, giving the judgment of the

court prepared by Lord Justice Henry, said that the defendant and her husband lived on a council estate in Manchester. Some of their children had run wild and committed serious acts of vandalism on the estate. The council, as the housing authority, had been granted possession of the family's house on the ground of the children's many acts of nuisance, annoyance, harassment and disturbance of other tenants.

At the possession hearing, a neighbour had given evidence of serious acts of vandalism by two of the children. He was given a lift back to his home by a council officer. As he left the car to walk to his house the defendant's husband shouted "I'll fucking have you, you bastard".

The next day the council had appeared before the judge to make an application to commit the husband for contempt under section 118. The judge had noted that section 118 dealt with the court officer taking the offender into custody and detaining him until the rising of the court and had concluded that, for him to have jurisdiction under section 118, the contempt had to be "in the face of the court".

Accordingly, the judge had held that he had no jurisdiction to try the contempt, and the sole jurisdiction to try such a contempt lay with the Divisional Court of the Queen's Bench Division under Order 52 of the Rules of the Supreme Court.

The court was prepared to assume in the husband's favour that he had no jurisdiction to try the contempt, and the sole jurisdiction to try such a contempt lay with the Divisional Court of the Queen's Bench Division under Order 52 of the Rules of the Supreme Court.

ne was not conduct in the face of the court would not, as the judge assumed, mean that it was not covered by section 118.

The words "in going to or returning from the court" would clearly be within the instances given by section 118. Those instances made clear that section 118 was not limited to contempts in the face of the court.

The husband had contended that *R v Lefroy* (1873) LR 8 QB 134, *R v Judge of the Brompton County Court* (1893) 2 QB 195 and *Bush v Green* (1955) 1 WLR 1143 showed that section 118 was limited to contempts in the face of the court.

Those authorities when examined were clearly using the phrase "contempt in the face of the court" as a convenient summary of the limits of the section 118 jurisdiction; convenient but not accurate. None of the cases referred directly or indirectly to the words "in going to or returning from the court", nor did they consider whether or not those words fell within or without the concept of "in the face of the court".

The wording of the section made it quite clear that if the offence was committed "in going to or returning from the court" it did not have to be committed in the face of the court for the county court judge or district judge, including assistant and deputy district judges, to have jurisdiction.

A further point then arose, whether in its section 118 meaning "insults" included "threats". The case for "insults" including "threats" would be unanswerable if section 118 defined what was and was not a contempt.

But the answer was somewhat weakened when the question was simply one of whether the county court judge or district judge, or the Divisional Court had jurisdiction to deal with that particular kind of contempt.

It was at least arguable that as

an inferior court of record, Parliament had intended county courts to deal with insults in the narrower sense, but not the more serious threats.

But in giving the jurisdiction to deal, inter alia, with contempts in the face of the court, the mischief aimed at surely included both insults, narrowly construed, and threats.

On the wider, and admittedly more archaic, meaning of the word, all threats would be insults, but not all insults would be threats. True, the statute was penal, but a purposive construction clearly pointed to the wider construction, which in the court's judgment was the right one.

In reaching that conclusion, the court had the misfortune to differ from the decision of the Divisional Court in *R v Hanan* Justices, *Ex parte Palmer* (1985) Crim LR 659.

County courts tried very important cases these days. And in their small claims jurisdiction, they dealt with litigants in person in what remained a stressful situation however relaxed and informal it might be sought to make it. At both these ends of the legal spectrum the court needed the authority to deal summarily and immediately with threats to the proper conduct of its proceedings.

If the court could deal with insults but not threats, the court would not be able to give immediate protection to those who needed it most. It would risk falling in its users.

And when the court's authority and due process was directly challenged, the immediate power to act could often be more productive than the delays inherent in proceeding by Order 52 of the Rules of the Supreme Court.

Solicitors: Ms Susan Orrell, Manchester; Galsworthy, Manchester.

for costs in favour of Bourns. On taxation of costs, Bourns had produced certain documents which had now been seen by all four respondents and also by the leader and another counsel engaged by Raychem to conduct its defence to proceedings by Bourns in the District Court for the Central District of California.

At the heart, now, of those proceedings was Raychem's belief that, as a result of seeing documents provided by Bourns in the UK taxation, a key witness for Bourns in both the UK and the USA proceedings had lied to both courts.

Procedure on taxation

Under Order 62, rule 29 of the Rules of the Supreme Court and Supreme Court Taxing Office Practice Direction (No 2 of 1992) (The Supreme Court Practice 1995, p166) the payer "must", unless the taxing master otherwise ordered, initially lodge with the court, the payer having no general entitlement to see them, a wide range of papers, namely those required to demonstrate, not only what had been spent on what items in the litigation, but also the complexity of the matter.

But since *Goldman v Hesper* (1988) 1 WLR 1238 a payer wishing to challenge an item could call on the taxing master to direct the payer to allow some or all of the underlying documents to be produced to him; and if so, the master considering it appropriate, the payer would be given three options: (i) to allow production, or (ii) to rely on alternative evidence in support of the claim, or (iii) to jettison it: see *Pamplin v Express Newspapers Ltd* (1985) 1 WLR 689.

Here, Rowe & Maw had requested copies of all vouchers lodged on behalf of Bourns in the taxation. It was reasonable for Bourns, if wanting to claim costs, to disclose them; so disclosure should be treated as under compulsion and subject to an *Altavsky v Scott* (1948) 1 All ER 469 implied undertaking, restraining collateral use of such vouchers.

Should Raychem be released from that undertaking to permit production in the appeal against the June 12 judgment? No: see *Crest Homes plc v Marks* (1987) AC 829.

However, Mr Roch based his application for release only on allegations that A, a particular expert witness on Bourns' behalf, had knowingly put forward misleading evidence. But that charge was baseless and Mr Roch appeared to deal with the documents would be merely peripheral to any issues in that appeal.

Privilege

Although Raychem sought release of many documents, the argument before his Lordship had revolved entirely around only one, sent by an author identified here as X.

Bourns' case was that it related to work done by X for the UK proceedings. Such work and the reports of it, including the document in issue, were therefore privileged

and although Bourns had waived privilege in allowing it to be passed to Raychem, the waiver stopped there.

His Lordship distinguished *Clough v Tameside Health Authority* [1992] 2 All ER 971 and, addressing Mr Bloch's argument that in voluntarily handing over documents in the taxation without express reservation, Bourns' waiver of privilege had been unlimited, observed that that point was addressed and dispatched in *Goldman v Hesper* (1988) 1 WLR 1238, 1245C where Lord Justice Taylor had said: "Voluntary waiver ... on a taxation would not in my view prevent the owner of the document from reasserting his privilege in any subsequent context."

Frased on the court in USA

His Lordship dealt with the factual basis for criticisms of Bourns and its principal witness in a confidential annex, and added that he could not accept that, by any reasonable objective standard, any document disclosed to Raychem, during the taxation, clearly established even a prima facie case of fraud.

Once it was realised that there was nothing effective in any document disclosed in the taxation which was inconsistent with the results relied on by X, the sting went out of the implicit assertions that the material was withheld from the English and Californian courts because Raychem and X had something to hide.

Overriding privilege where obligation to disclose abroad cases

In *Bank of Creta SA v Skafkas* (No 2) [1992] 1 WLR 919 a bank had wanted to prepare certain audit reports, using material obtained on Mareva [asset-freezing] relief against a defendant accused of defrauding it of \$200 million, being under an obligation, in Greek law, to prepare such reports and supply them to the provisional commissioner of the bank.

Mr Justice Millett saw no reason (at p927A) why the English court "should be asked to prevent a party who has obtained material (hereby) by the use of ... coercive powers from producing such material in a foreign jurisdiction if compellable to do so."

But that passage had to be viewed in its context of the need for international cooperation between courts of different jurisdictions, to deal with multi-national fraud.

Here, unlike that case, the documents in question were privileged and had been obtained from Bourns by compulsion; so compelling reasons should exist before the court released any of them for collateral use.

In all the circumstances, his Lordship was not prepared to exercise his discretion to grant Raychem, or the lawyers it chose to employ, in the taxation proceedings, leave to make any collateral use of the documents disclosed in such proceedings.

Solicitors: Linklaters & Paines; Clifford Chance.

FOOTBALL

Liverpool succumb to superior force

BY ALYSON RUDD

THE Celta Vigo coach called it a "spectacular game", but really Liverpool made a spectacle of themselves. Trailing 3-1 to the liveliest side in Spanish football does not rule out progress in the UEFA Cup, but while a 2-0 victory at Anfield in a fortnight would clinch it for Liverpool, it is difficult to see Vigo failing to score.

Yet at half-time in the third round, first-leg tie on Tuesday night, there was real hope. Michael Owen had been given two clear chances to put Liverpool ahead and he had nearly taken one of them. A classic European performance beckoned. Liverpool had taken the lead against the run of play, but that is what the away leg is all about — snatching an away goal and piling the pressure on the home team.

Unfortunately, the words of Gerard Houllier came back to haunt him. Beforehand, he had stressed the importance of protecting a 1-0 lead. Against Leeds United in the FA Cup, Houllier had conceded three goals in the last 12 minutes.

"With 12 minutes to play — well, I'm not an Italian, but you keep the result," Houllier said. Of course, the Italian way would make for a dull Premiership, but in European competition you cannot beat it.

So the first part of Houllier's plan had gone smoothly. He had stressed that Liverpool had to score the away goal, not least because they were more than capable of it. Surely, the second part of the plan was to protect that lead. Curiously, Liverpool neither attacked for another goal, nor did they establish a rearguard action.

If anything, the atmosphere was one of confusion, of a desire to see the game end as quickly as possible. There was no doubting Vigo's reaction. They must have simmered at half-time, because they flung

themselves at the visitors in the manner of ravenous cats in a cellar of mice.

Alexander Mostovoi, the Russian, who was reminiscent of Peter Beardsley at his best playing for Liverpool, was the chief tormentor. Mostovoi demands a lot of his teammates. He relentlessly pushes the ball into the area expecting a neat return pass or an incisive cross. He is the main reason that Vigo, ten days ago, could tear apart Real Madrid, the champions of Europe, and Aston Villa in the previous round of the UEFA Cup.

Mostovoi equalised for Vigo. Six minutes later, Karpin gave them the lead, capitalising on a mistimed clearance by Heggem. Still, 2-1 would give Vigo a bigger headache than it would Liverpool and Houllier's team clung on until, in injury time, a comical series of mistakes by the back four led to Vigo's third, scored by Gudeli.

Houllier acknowledged the "schoolboy errors" in his defence, which may be strengthened by the arrival of Jean-Michel Perri, 29, a well-known Italian, but you keep the result," Houllier said. Of course, the Italian way would make for a dull Premiership, but in European competition you cannot beat it.

Locally, the build-up to the match had been one in which Liverpool were feted for their European credentials. This was, after all, their 178th game in Europe, compared to Vigo's rather modest seventh. Briefly, Vigo must have thought all of that experience would count against them, but basically, they possessed more talent throughout their ranks.



Branch, who had an impressive game in attack for the Nationwide League side, is tackled by Zauri yesterday

Stylish Evers opens account

From Russell Kempson
in Torino, Italy

IN A near-deserted Liberatori stadium yesterday, with the snow-capped Mount Terminio shimmering in the distance, the latest crop of English youngsters took their first tentative steps onto the international stage. Dressed up as the Nationwide League representative side, but to all intents and purposes an England Under-21 B XI, they performed creditably in holding their Italian league Serie B counterparts to a draw.

It was an especially pleasing experience for Sean Evers, the Luton Town midfielder player, who has played an important role in the second-division club's run to the Worthington Cup quarter-finals. Evers, 21, scored the goal that maintained the league team's unbeaten sequence in the annual fixture since 1992 and vindicated his decision to turn down the chance to play for Ireland.

"I was chosen for the Republic's under-21 squad last season, but although it was very much an honour, I was born in England and I'm English through and through," Evers

said. After a dull first half enlivened only by the penetrative dashes of the two Michaels, Bridges and Branch, Evers struck in the 65th minute.

Bridges dispossessed Cirillo, cut in from the byline and crossed for Evers, after Branch's clever dummy, to shoot low past Coppola. It was no more than the Nationwide League side deserved after they had upped the tempo and displayed plenty of passion upon resumption.

Peter Taylor, the England Under-21 coach and manager of the Nationwide side, will

have been impressed. He admitted beforehand that good performances could see the youngsters fast-track their way into his national considerations and his notebook will have been full.

O'Brien, the Bradford City central defender, gave a composed display while Branch and Bridges worked tirelessly up front. Marshall, the Norwich City wing back, also shone on his many forays going forward. Their prospects look bright.

Wright, the Ipswich Town goalkeeper, who was called

Police visit FA after match-fixing claim

THE Football Association last night confirmed that police had visited Lancaster Gate to investigate new allegations of match-fixing involving Premier League clubs. The FA insisted, however, that the matter had gone no further than preliminary inquiries (Matt Dickinson writes).

Fraud Squad officers from Scotland Yard had a meeting with FA officials last week to probe claims that a Malaysian betting syndicate tried to fix the game between Arsenal and

Southampton last month, which ended in a 1-1 draw. The inquiry was launched after detectives received an anonymous letter from Malaysia alleging that large sums of money were paid to ensure that Arsenal did not win 2-0.

A statement from the FA yesterday said: "The FA is unaware of any evidence whatsoever to support such allegations. It has no details of a formal investigation by the police. We have no reason to take the matter further."

Minnows are put firmly in their place

BY RICHARD HOBSON

WITH seven non-league sides already certain of their places in the FA Cup second round, evidence appeared to be accumulating of a narrowing gap between the lower levels of the professional game and the leading part-time clubs. On Tuesday night, the Nationwide League seized the opportunity to reassert supremacy.

In all four completed first-round replays pitting league against non-league, the results went as expected, although Yeovil Town, from the Football Conference, secured their passage by beating West Auckland Town, of the Arnot Insurance Northern League, 5-3 on penalties.

Kidderminster Harriers and Hendon live to fight another day. Their ties against Plymouth Argyle and Notts County respectively were hit by fog and have been rearranged for next Tuesday.

Despite losing 3-1 away to Rotherham United, Emley, who put up such a hearty fight against West Ham United in the third round last season, created enough chances to have progressed. The scoreline stood at 1-1 with eight minutes remaining, but in the final stages they conceded goals to Paul Hurst and Darren Garner and had Mark Wilson and Simon Jones sent off.

Enfield, too, stretched their supposed superiors before going out 2-1 to York City, who now face Wrexham. Even after the dismissal of John Richardson in the 51st minute, the Ryman League side spent most of the second half on the attack and saw Steve Terry

head against the bar late on. Exeter City suffered no such palpitations in brushing aside Tamworth 4-1 to earn a home game against Bristol Rovers.

Leigh Railway Mechanics Institute at least enjoyed their 180 minutes of fame against Fulham. The heroics of David Felgate, the goalkeeper, had thwarted the London club at Craven Cottage, but not even the vocal encouragement of more than 7,000 supporters at Hilton Park could conspire to deny Fulham for a second time. Paul Peschisolidi scored both goals in the 2-0 win that sets up a home tie against Hartlepool United. Aggregate receipts in the region of £200,000 represent considerable solace for Leigh.

As one-time standard-bearers of the non-league clubs, Macclesfield Town are all too aware of the pitfalls at this stage of the competition. They needed all of their experience finally to overcome Slough Town 9-8 on penalties after Eleftherios Sotgiu, who plays in a bandana for good luck, was sent off two minutes into extra time. Stuart Whittaker could have saved Macclesfield a lot of bother had he converted a penalty in the 58th minute.

In the only replay between Nationwide League clubs, Rochdale beat Scarborough 2-0 and entertain Rotherham United in the second round.



REVISED DRAW

SECOND ROUND: Preston North End v Walsley; Darlington v Manchester City; Southport United v Bedlington Terriers; King's Lynn v Leyton Orient; Swanssea City v Stoke City; Fulham v Hartlepool; Hendon v Notts County v Wigan Athletic; Oldham Athletic v Brentford; Doncaster Rovers v Rushden and Diamonds; Lincoln City v Stevenage Borough; Luton Town v Hull City; Torquay United v Bournemouth; Wycombe Wanderers v Plymouth Argyle; Kidderminster Harriers v Macclesfield Town v Cambridge United; Cardiff City v Halesowen Town; Yeovil Town v Northampton Town; Wrexham v York City; Exeter City v Bristol Rovers; Rochdale v Rotherham United; Mansfield Town v Southport.

□ Ties to be played on December 4th, 5th and 6th



Peschisolidi: scored twice

Kidd may tempt Blackburn

BY STEPHEN WOOD

BLACKBURN Rovers are close to finalising a shortlist for the manager's position at Ewood Park, which includes Brian Kidd, the Manchester United assistant manager. Blackburn are seeking a successor to Roy Hodgson, who was dismissed after the defeat by Southampton last weekend, and have received more than 20 serious applications.

Kidd has always preferred to remain in the shadow of Alex Ferguson, but he may consider a manager's role now that he is approaching 50. Although respected as a coach, Kidd has no experience of top-level management.

John Williams, the Blackburn chief executive, said: "It would not be professional for us to comment on speculation, but the main point at the

moment is that we do not need to rush. We must make sure we make the right appointment."

Roy Evans, the former Liverpool manager, and Colin Hen-



Hignett: Barnsley-bound

dry, the former Blackburn player now with Rangers, are also being linked with the job. Tony Parkes, the caretaker manager, will be in charge of Blackburn against Liverpool at Anfield on Sunday.

Barnsley, of the Nationwide League first division, yesterday signed Craig Hignett from Aberdeen for £800,000. Hignett, the former Middlesbrough midfielder, has not settled in Scotland because of family problems.

He will be reunited with John Hendrie, the player-manager at Oakwell. The pair were team-mates at Middlesbrough and Hignett said: "I don't want any favours from him — if I'm not pulling my weight, I will expect to be

dropped." Finance for the deal will be partly provided by the £450,000 Barnsley hope to receive from the sale of Jan Aage Fjortoft to Eintracht Frankfurt, the Bundesliga club. Fjortoft, the Norway striker, has yet to finalise personal terms.

Similar problems have held up the swap deal involving Darren Barnard and Carlton Palmer, of Southampton. Barnard is stalling on the move to the FA Cup Premiership club, and Hendrie has told the Wales winger that if he wants to return to Oakwell, he would welcome him back.

Hendrie is also attempting to persuade Ashley Ward, Barnsley's £3 million-rated striker, to stay. Leicester City are considering another approach.

Tottenham stand by tickets policy

BY OUR SPORTS STAFF

TOTTENHAM HOTSPUR yesterday defended their decision not to take up their full allocation of tickets for visiting supporters at the forthcoming match against Chelsea at Stamford Bridge. The club was criticised this week by supporters because they had taken only half of the allocation available for the match on December 19. Instead, the club will charge supporters to watch the game on giant screens at White Hart Lane.

A Tottenham spokesman said: "When you are playing away, you are entitled to ten per cent of the tickets. You get five per cent on sale or return but the other five per cent you must pay for up front. However, last year, we sold only 1,600 tickets for this match, so we did not want to get stuck with tickets that we had to pay for."

The ticket issue was raised at the annual meeting of the club yesterday and is set to be highlighted by Watchdog, the television consumer programme.

On a brighter note, George Graham, the new Spurs manager, previously in charge of Arsenal, their North London

rivals, was given the seal of approval by the 400 supporters at the meeting. "George received a very warm welcome and it shows the fans have really taken to him," the spokesman said.

Graham reiterated his intention to build the Spurs team around Sol Campbell and Darren Anderton, the club's England internationals. He also denied making a bid for Frank Lampard, the West Ham midfielder, although he admitted to making several inquiries for other players, without success.

Paul Warhurst has joined Bolton Wanderers from Crystal Palace on a month's loan. Warhurst, 29, formerly of Blackburn Rovers and Sheffield Wednesday, wishes to rejoin his family, who have already returned north after failing to settle in London. He has made 24 appearances for Palace, scoring three goals.

Wanderley Luxemburgo, the Brazil coach, has been suspended for 60 days by the country's disciplinary tribunal of sport after he burst into a referee's changing room and verbally abused him.

FA loses appeal over racism fine

BY OUR SPORTS STAFF

The Football Association has vowed to work even harder to eradicate racism from the game after failing in its appeal against a £28,000 fine imposed by UEFA for racial chanting by England supporters.

UEFA appeals panel in Geneva yesterday upheld the earlier decision, made after allegations that England supporters chanted abuse at Henrik Larsson, the Celtic striker, during Sweden's 2-1 European championship qualifying victory in Stockholm on September 5.

Nick Coward, a lawyer for the FA, said it had denied that there was racist chanting but accepted the decision of UEFA. "While we are disappointed, as we still believe that everything is done within English football to eradicate racism from the game, this does nothing more than strengthen our resolve," Coward said.

UEFA said in a statement: "The appeal was rejected following evidence presented by the referee, Pierluigi Collina, and the UEFA delegate at the match, Matthieu Sprengers, stressing that on at least eight occasions during the game,

English fans had directed racist chants at the Swedish player, Henrik Larsson."

The appeals panel also decided to uphold another decision by UEFA's control and disciplinary body to ban Wisla Krakow, the Polish club, from European competition for one year. The ban was imposed after an incident during a UEFA Cup-tie with Parma last month, when Dino Baggio, the Italian club's midfielder, was injured by a knife thrown by a spectator. Baggio later required five stitches in a head wound.

The appeals panel agreed that Wisla was responsible not only for the act of the spectator, but also for the actions of Ryszard Czerwiec, a Krakow player, who threw the knife back into the crowd to try to conceal the evidence.

Reinhard Rauball, the Polish club's lawyer, said the rejection of the appeal was "a sporting and a financial disaster" for the club. He pointed out that Krakow are ten points clear at the top of the Polish league and expected to qualify for European competition next year.

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CHANGING TIMES

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THE TIMES THURSDAY NOVEMBER 26 1998

TENNIS: RUSEC in v Agas

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THE TIMES THURSDAY NOVEMBER 26 1998

SPORT 53

TENNIS: BRITISH RESERVE IN LINE FOR FASCINATING CLASH WITH HENMAN AS INJURIES TAKE THEIR TOLL AT ATP TOUR FINALS

Rusedski waits in wings as Agassi retires

FROM JULIAN MUSCAT, TENNIS CORRESPONDENT, IN HANOVER

OPPORTUNITY may knock loudly for Greg Rusedski after a day more akin to a game of doctors and nurses than the self-proclaimed world champion of tennis. Rusedski, the first reserve at the ATP Tour Finals, spent yesterday champing at the bit in the wake of injuries to Andre Agassi and Marcelo Rios.

The defection of either player would see Rusedski immediately drafted into the tournament, which remains at the round-robin stage. Although the Briton knew on his arrival five days ago that the prospects were encouraging, he was obliged to twiddle his thumbs for one more night.

First Rios, humbled by Tim Henman on Wednesday, reported a favourable prognosis to the MRI scan on his injured back. He was scheduled, therefore, to play today against Agassi — even though the American retired from his match yesterday against Alex Corretja in the deciding set.

Agassi's retirement prompted Rusedski to abandon his computer game — presumably to head straight for the practice courts. However, Agassi, who promised initially a decision on his overall withdrawal late last night, decided to postpone that decision until this morning.

It seems absurd that a player can retire from a match without instigating his immediate withdrawal from the tournament. Yet rules are rules, leaving Rusedski with no option but to warm the substitutes' bench for another night.

Corretja led 5-7, 6-3, 2-1 when Agassi drew stumps. "I'd be surprised if I played another match here," Agassi said later. "When I twisted, it

was just like somebody stuck a knife in me. Things became more difficult as the match progressed. It got quite painful."

Given Agassi's sentiments, Rusedski must be likely to replace Agassi and turn out against Rios today. In that event, Rusedski would inherit Agassi's position in the white round-robin group — which, after the American's retirement, equates to a 6-0, 6-0 victory for Corretja.

However, more intriguing than the prospect of Rusedski entering the fray is the collision that his late entry would provoke with Tim Henman tomorrow. That would be a

minimum, trigger an inquest among ATP Tour officials who stage this \$3.5 million (about £2.2 million) event. It should now be clear that the round-robin format, while interesting in theory, becomes seriously disfigured by withdrawals.

Pat Rafter and Richard Krajicek withdrew four weeks ago. Rios claimed that the injury had hampered his performance against Henman on Wednesday, and now Agassi looks likely to succumb. These developments required officials to reach for their telephones and alert further replacements for the eight-man field — Albert Costa and Jan Siemerink.

The list of stricken players all but mirrors events here a year ago, when the retirements of Rusedski and Sergi Bruguera prompted Henman's lucrative entrance from the national championships in Telford. Now Rusedski stands to benefit financially: his entry would guarantee him a minimum \$105,000 (about £60,000) and a possible jackpot of \$1.38 million if he triumphs overall.

On the court yesterday, Pete Sampras secured his semi-final place with another clinical victory — this time over Carlos Moya, of Spain. Sampras was more seriously tested by Moya than by Yevgeny Kafelnikov the previous day. Nevertheless, his 6-3, 6-3 victory was never in doubt.

After Rios's defeat by Henman on Wednesday, Sampras looks poised to retain his status as world No 1. "Rios's loss helps," Sampras said, "but I'm also helping myself by winning my matches. I can't be too concerned about Marcelo, but I must admit that I was rooting for the Englishman on Wednesday night."



Agassi ponders his immediate future during his match with Corretja yesterday and may throw in the towel today

SAILING

Calm sea adds to Briton's worries

BY EDWARD GORMAN
SAILING CORRESPONDENT

WHERE are the trade winds? As seems so often the case in yacht racing, the expected meteorological pattern is never quite backed up by reality. The Route du Rhum monohulls could have expected a decent, downwind blast for the last 600 miles to Guadeloupe, but instead they are battling exhausting calms in the western Atlantic.

Ellen MacArthur, of Great Britain, in *Kingfisher*, is almost working her fingers to the bone as she completes a succession of sail changes and gybes in the lightest of airs. Over the past two days, however, she has held on to her ranking and is in fifth place overall in the monohull fleet, with around 630 miles still to sail.

The leader remains Thomas Coville, of France, in *Yves Parlier's Aquitaine Innovations*, who has about 350 miles to go, with an advantage of 100 miles over Jean Luc van den Heede, in *Aligouss*. Van den Heede, in turn, is only a mile or so ahead of Raphael Dinelli in his radical new 60, *Sodebo*. Then comes Jean Maurel in *Maison Cote Ouest*, who is 120 miles behind Dinelli, and 60 miles ahead of MacArthur.

The Briton has explained how the sub-zero windward conditions at the beginning of the race 18 days ago have taken their toll. "My hands are very sore and stung, strewn with salt sores and scabs," MacArthur said. "The early days of freezing wet hands and wrists have a lot to answer for, more likely encouraged now by sweat than waves."

The regime of sail changes continues through sleepless days and nights. "I gybed eight times last night and four times this morning. It's enough to drive you crazy. Each gybe takes 12 minutes now — I've been working on it. This may seem long for an inshore sailor, but think through all the moves."

SPORTS POLITICS

Banks demands changes at top

BY JOHN GOODBODY

THE Government yesterday demanded that British sports bodies should appoint more women as leading officials. Tony Banks, the Minister for Sport, said that he was not prepared to see any obstacles to females becoming top administrators in the new millennium.

Asked what would happen if the governing bodies declined to act, he replied: "We would seek to discuss the issue with them. We have means to influence them." Ultimately, the Government could stop funding those organisations that refused to carry out its wishes.

A survey is being conducted across British sport to discover the backgrounds of leading administrators. Banks, who yesterday addressed the annual conference of the Central Council of Physical Recreation, which represents the largely male-dominated officials of the national governing bodies, said: "I'm not prepared to tolerate any glass ceiling."

On Tuesday, the Government announced that four of the six new members of the UK Sports Council would be women. They are Tanni Grey, the disabled Olympian, two international athletes, Professor Myra Nimmo and Zahara Hyde Phillips, and Di King, a leading administrator. Banks also urged Britain's sports bodies to set up a powerful political lobby to campaign on crucial issues. He contrasted the effectiveness of the arts in influencing government decisions.

The minister said: "I know I'm making a rod for my own back, but we do need an active lobby to put pressure on the decision-makers."

He urged that there should be less fighting between the different umbrella organisations in British sport such as the CCPR and British Olympic Association, pointing to the fractured state of British sport "which amazes the rest of the world". This is partly because the minister has little real power, handing most of the decision-making over to the UK and four home sports councils.

The announcement today of the setting up of a Confederation of British Sport, embracing most of the leading non-governmental organisations, will only rectify partially the chaos because the sports councils, which are quangos, will still not be directly under the control of the government.

Not so, moreover, a glance at her CV, even through one half-closed eye, shows credentials fit to oversee what remains a male-dominated, much-criticised sport. Indeed, any claims that boxing is brutal, should be banned, or be out of bounds for women, are best whispered out of Rolleston's earshot. This Marlow-based solicitor, verbally at least, can sing like a bee. "Boxing is a contest of mental agility and skill," she said. "It is not a battle of the apes and I wouldn't have the sport described in those terms. There is not always blood and

Meet Judith Rolleston, a solicitor who has created history at the British Boxing Board of Control

Jane Couch and Simone Lukic made boxing history last night, at Caesar's nightclub in South London, with the first female professional bout in Britain. Outside the ring, women have been jabbing at the sport's hard-nosed inequality with similar determination.

Tania Pollett is licensed to work the corner, Alma Ingle and Katherine Morrison are promoters and last month, after distinguished service in the amateur ranks, Judith Rolleston, 42, was recognised by the sport's professional governing body. She is now an administrative steward, the first female official at the British Boxing Board of Control.

Given the board's recent, embarrassing battle — they were sued by Couch for sexual discrimination last summer and were forced to grant her the licence that she was being denied as well as £15,000 in compensation — Rolleston's appointment smacks of quick-witted political correctness.

Not so, moreover, a glance at her CV, even through one half-closed eye, shows credentials fit to oversee what remains a male-dominated, much-criticised sport. Indeed, any claims that boxing is brutal, should be banned, or be out of bounds for women, are best whispered out of Rolleston's earshot. This Marlow-based solicitor, verbally at least, can sing like a bee.

"Boxing is a contest of mental agility and skill," she said. "It is not a battle of the apes and I wouldn't have the sport described in those terms. There is not always blood and

snot all over the place. I never go to fights to see anyone injured. If there's a section of the community that enjoys that sort of thing, that's for their conscience."

There is no reason, she argues, why women should not box. "I have no problem with women boxing," she said. "Jane [Couch] is a wonderful example of what boxing can do. She has the most beautiful skin and energy just exudes from her. It would have been nice to help her to get a licence, but I'm not a litigator, I'm a non-contentious lawyer. I draft contracts for a living, so it's not my field. I wouldn't have wanted to risk my professional indemnity on that one."

She will happily risk,

SARAH POTTER



though, riling the British Medical Association (BMA). "When I was at the Amateur Boxing Association, we used to say that if the BMA actually came forward with substantial evidence, we would be more than happy to answer it."

But all it is innuendo. It has to be put in context. How many people are injured on the rugby field? There are other sports which are much more dangerous.

Rolleston's interest was sparked when boxing was seldom battered by media and fighters commanded public respect, as much for their personalities as punching skills. "We were a sporting family," Rolleston said. "We watched all the major sports at a time when boxing was an accepted part of life. It was shown regularly on television on Saturday nights and the big fights were something you stayed in to watch. The country was behind the British boxers and, at the time, fighters like Henry Cooper were doing extremely well."

She would have liked to box herself. "Unfortunately, by the time I got involved, I was too old," she said. "But when the ABA relaxed their rules to allow women to become

involved, before they allowed women to box, I did a judges' course."

In 1992 she joined the Hurstleigh Kerridge Gym in Needham Market, Suffolk, where she was living, and met Barry James, a trainer. It is from his gym that David Starie, the Commonwealth super-middleweight champion, has emerged. "I was made welcome and am grateful to Barry for his time and encouragement. He taught me such a lot about boxing."

She was promoted from minor to major panel last year and, had she stayed on the amateur side of the ropes, might have realised her ambition to judge an Olympic contest. She must now also relinquish her minor panel refereeing duties, for which she qualified last season.

"I hadn't done enough to have any close shaves in the ring," she said, "but as a referee you learn to get out of the way pretty quick."

One, too, are her roles as Chair of the Women's Commission for the ABA and secretary of the European ABA's equivalent body, as impartiality prevents any crossover between the amateur and professional codes. "It was a big decision," she said. "But the chance to work at all levels on the professional side more than compensated."

Rolleston's voluntary post puts her in charge of potential stumbling blocks on the night of bouts, from incorrect ring size to improperly conducted weigh-ins. "I never resent the time I spend on boxing," she said. "The atmosphere and camaraderie of the sport is wonderful and, unless you're involved, I don't think you can fully appreciate what an exciting sport it is."

SPORT IN BRIEF

American lands run of triples

■ ICE SKATING: Sarah Hughes, 13, of the United States, landed six triple jumps in winning the world junior figure skating championships in Zagreb. Daria Timoshenko won a poor first group, which featured 22 falls in total, with a technically sound, but artistically dull performance. Jennifer Holmes, 14, of Britain, made errors on three jumps, finished 16th in her group and did not qualify for tomorrow's short programme.

■ BOWLS: David Bryant, 67, turned in a vintage display in the first round of the revived UK indoor singles championship at the Potters International Arena yesterday. The last winner of the event, when it was televised in 1989, Bryant beat Sandy Syme, the Scottish champion, 3-7, 7-5, 7-3. David Corkill beat Clive Benham in straight sets to reach the semi-finals, where he will meet Mervyn King, who defeated David Gourlay.

■ RUGBY LEAGUE: Sheffield Eagles have released two members of their Challenge Cup final-winning squad. Lynton Stott, a winger and one-time target for Gateshead Thunder, the Super League newcomers, and Martin Wood, a stand-off or loose forward, have been axed to enable the South Yorkshire club to trim their squad to 22, and meet salary-cap obligations.



Banks call for unity



Rolleston would like to have boxed herself and is a staunch defender of the sport

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Bourne runs across the plains under the burning African sun, and his next plan is to celebrate the millennium by running a round-the-world relay

Bourne runs out of Africa

If you want to run the length of Africa — from the Cape to Cairo — all you need are 30 pairs of shoes, a lot of time, a little madness and unlimited persistence.

Nicholas Bourne, a 28-year-old who at one time earned his living padding the cartwheels of Europe and the United States as a professional model, has lived with the dream of conquering Africa on foot for the past three years.

The experts queued up to convince him that it was impossible. Plenty have tried and failed. He was warned that the diplomatic hurdles alone involved in crossing a continent churned up by war and famine would prove insurmountable.

Even if he could get anything remotely resembling a clear run at the continent, sports experts believed that the harsh conditions, the desert, the distance, the heat and the altitude would doom Bourne to failure.

In South Africa, Professor Tim Noakes, head of sports science at Cape Town University and author of *The Lore of Running*, feared that Bourne was taking on far too great a challenge. "You simply cannot run 45 miles a day for that length of time because you suffer so many injuries, especially in the kind of conditions they are going to meet in Africa," he said. "They are going to be run-

He has had stones thrown at him, stepped on snakes and been laid low by malaria, yet a former model is within sight of achieving his Cape-to-Cairo dream

ning in summer temperatures often over 40 degrees centigrade, through very uncivilised areas where malaria and lots of other gut infections will strike them down. I would say it is impossible. The running will deplete their immune systems, and I think the whole thing is madness. I strongly urge them to call it off so they can plan better."

Mad he may be, but this morning finds Bourne in Egypt, running north close to the Red Sea coast, on his final 1,000 kilometres and heading for the pyramids. At last he is certain that his dream will come true, and that his persistence is paying off.

He has run in Egypt before. This is where it all started — or rather false-started. Just over a year ago, in October 1997, Bourne set out to run Africa with a friend, Chris Rainbow, a physical education teacher. After months of training in England, they were super-fit and their hopes high as they set out to run from north to south from Alexandria, determined to be in Cape Town within six months.

For the first couple of weeks, all went to schedule. They would be up at first light and



still running at sunset, resting in the heat of the day. Suddenly, however, they found themselves hobbled and then halted by red tape. The Egyptian military authorities simply would not let them run anywhere near the border with Sudan, and their journey seemed over almost before it had begun.

For weeks they ran around in circles, keeping fit but despairing of cutting their way through the paperwork. Money, time, enthusiasm and energy — all were running out, and their dream, always difficult, seemed impossible.

Then Bourne and his support party decided a move so simple and so bold that it, too, looked certain to be doomed. They shipped their expedition, complete with support vehicles, camping, cooking and

medical gear, to the other end of the continent, and announced that if they could not run from Cairo to the Cape, then they would simply turn around and do it from the Cape to Cairo.

They turned their original plan on its head, and on January 21 the expedition set out, heading north from Cape Town. Since then, Bourne has run nearly 6,000 miles, covering more than 40 miles a day through South Africa, Botswana, Zambia, Tanzania, Kenya, Ethiopia and Sudan.

Most of this he has run solo, for Rainbow, his running companion, had to return to a teaching job, and eventually both his time and persistence ran out. So Bourne plodded on alone, accompanied by a support crew headed by his sister, Emma, while back in Britain Bourne's mother, May Grandy, demonstrated that persistence and stamina run in the family as she did endless laps of the embassies, lobbying for the necessary visas to get her son through.

Bourne hopes to raise £1 million for projects in Africa and

for his charities. Save the Children and the Born Free Foundation, to help starving children and protect endangered wildlife. He has had his own close encounters with wildlife, including lions and elephants, along the way. "But the biggest threat has been snakes," he said. "You don't see them until you step on them."

He had his worst moments in Zambia, where malaria laid him low. "I became so drained that I couldn't run at all, and I had to take ten days' total rest just to get going again," he said. He had a pulled muscle in Tanzania, visa problems in Nairobi and was hit by stones thrown at him in Ethiopia.

But he has shrugged it all off and is looking forward to the big welcome promised to him by the Egyptians as he runs in to finish at the pyramids on December 5. He is convinced that nothing can stop him running into the Guinness Book of Records and being back home for Christmas.

Not that he intends to take it easy for long. He is already working on his next dream — a round-the-world relay to celebrate the millennium.

Of course, that sounds impossible. Bourne, however, reckons you can achieve just about anything with thirty pairs of shoes, a lot of time and unlimited persistence.

JOHN BRYANT

SNOOKER

Davis shows no signs of losing his motivation

By PHIL YATES

AFTER a professional career spanning 20 years, and incorporating 73 tournament wins, you could forgive Steve Davis if he had problems with motivation. In fact, the only difficulties encountered by the six-times world champion are those created by youthful opponents, many of whom are half his age.

Confirmation that Davis, 41, remains enthusiastic about the game in general, and winning in particular, was provided at a midnight press conference following his 9-7 victory over Marcus Campbell in the last 16 of the Liverpool-Victoria United Kingdom championship at Bournemouth.

"I still hate losing as much as I ever did, and the moments when you get a bit of success are just as rewarding," Davis, who will meet Paul Hunter in his first UK championship quarter-final since 1993, said. "Being involved is still riveting for me and I thoroughly enjoy the challenge of pitting my wits against the onslaught of improvement. Nowadays, it's a major achievement to get to the televised stages, let alone to capture a title."

Prior to ousting Campbell over a tortuous 7hr 18 min marathon — only four best-of-17-frame matches have ever taken longer — Davis had not qualified for the quarter-finals of a world ranking event since the British Open of April 1997.

The last of his 10 such failures came at the Grand Prix in Preston last month, when he lost 5-4 to Dene O'Kane, of New Zealand, in the first round after leading 4-1. That defeat fuelled Davis's already well-stocked competitive fire.

"I was furious, and it geed me up," Davis said. "Determination is a great ally, but unfortunately you need more than that these days. In my heyday, you played some guys early on in tournaments who potted like they'd got a broken arm. Now you can play a kid who made five 147s in practice the previous day."

Although guilty of exaggera-



Davis: still enthusiastic

Answers from page 51

KUEI

(b) A Chinese bronze food-vessel. The Chinese name.

MUKTUK

(c) The skin of any of several species of whales used for food by the Eskimos. An adaptation of the Eskimo maktak.

NOMISMA

(b) The bezzant or gold coin of the Byzantine Empire. The Greek word means money, from nomizein to use customarily.

HAUSMALER

(b) One who paints undecorated china in his own house or private workshop. The German word.

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TELEVISION CHOICE

Holland in Hungary

Beat Route

BBC2, 8.00pm (Scotland tomorrow, not Ireland)

Jools Holland's new series is a mixture of travelogue and musical journey, delivered in his characteristically jaunty style. He begins in Budapest where his aims are to tell us about the history and character of the city and to track down some of its music making. Despite Holland's efforts to dress it up, his introduction to Budapest consists of little more than a few snippets picked up from a guide-book, and when he does let personal enthusiasm come through this is mainly to praise the Wartburg, which was built not in Hungary but the former East Germany. When he turns to music he is more enlightening, and his choice is eclectic enough to include a Transylvanian folk song rendered by a tenor saxophonist, a performance by a leading gypsy band and Zoltan Kodaly, one of Hungary's foremost classical pianists, playing Bartok.

Personal Services: What a Picture

Channel 4, 8.30pm

John Pimm's unassuming little series about service providers continues with a profile of Ray Low from Herefordshire. He is a family photographer, specialising in family portraits and weddings and we see him doing both. Driving a BMW with a personalised number plate ("I can't turn up in a taxi old van"), he reckons he is a bit of an artist and claims to have learnt his lighting techniques from Rembrandt, no less. But his work also involves more practical considerations, such as hoping for good weather and co-operative subjects. He gets so nervous before weddings that he practises Tai-chi to reduce stress. Family groups can also be tricky; witness the Drapers, 17 of them plus dog. Is it Wendy Draper's idea but her husband hates every minute.

Miss World

Channel 5, 9.00pm

So what is Channel 5's excuse for bringing back to mainstream television an event which was bootied out a decade ago for being offensive to women? It could be that it is a cheap and easy way of delivering an audience, for even in these PC times there are still plenty of males ready to leer at pretty



Emmeline McLaughlin, the UK's entrant in the Miss World competition (Ch 5, 9pm)

young women in swimsuits. Except that under the new format swimsuits are out, and so are the seltos. Instead contestants will be seen wearing jeans and T-shirts. Whether this will be their attire when they swim and play volleyball the venue is the Seychelles is not clear. Nor will the women have to do those awful interviews in which they affect concern for needy children. Ronan Keating of Boyzone is the host and representing Britain is Emmeline McLaughlin.

Science at War

BBC2, 9.25pm

The series about the impact of science on 20th-century warfare reaches the summer of 1940 when Britain stood alone against a possible German invasion. That it never happened was attributed to the stirring deeds of the young RAF pilots in the Battle of Britain. This film focuses on a less publicised aspect. In a secret research establishment on the south coast a team of scientists, most of them amateurs, was trying to track the course of enemy aircraft, by sending out pulses of radio energy they were able to pick up echoes from planes more than 100 miles away. From this work emerged the cavity magnetron, a microwave radio transmitter small enough to fit inside fighter planes. The programme assesses the contribution of this and other scientific developments to the winning of the war.

Peter Waymark

RADIO CHOICE

Girls and Guitars

Radio 2, 10.00pm

I am not sure all the female artists featured in this new series quite fit the description in tonight's programme — the new first ladies of North American music — but they are certainly among the leading lights in several music disciplines. Tonight the subject is Shawn Colvin, who started playing the guitar as a child, having taken over the instrument from her elder brother when he switched to classical violin. Colvin describes her background in Illinois as being full of music, both at home and at the local church, and her ability to play acoustic guitar as a teenager coincided with the rise of folk-rock stars such as Crosby, Stills and Young and Jonie Mitchell. Others in the series are Jewel, Meredith Brooks and Shania Twain.

RADIO 1 (BBC)

6.30am Zoe Ball 8.00 Simon Mayo 12.00 Kevin Greening. Includes 12.30pm Newsbeat 2.00 Mark Radcliffe 4.00 Chris Moyles 5.45 Newsbeat 6.00 Dave Pearce 8.00 The Evening Show 9.50 The News Hour 10.00 Girls and Guitars. New series. See Choice 10.30 Richard Allison 12.00 Katrina Leschka 3.00am Alex Lester

RADIO 2 (BBC)

6.00am Sarah Kennedy 7.30 Wake Up to Wogan 9.30 Ken Bruce 12.00 John Inverdale 2.00pm Ed Stewart 5.05 Johnnie Walker 6.00 Alan 6.30 Paul Jones 8.00 The Road Show 9.50 The News Hour 10.00 Girls and Guitars. New series. See Choice 10.30 Richard Allison 12.00 Katrina Leschka 3.00am Alex Lester

RADIO 5 LIVE (BBC)

5.00am Morning Reports 6.00 Breakfast with Julian Worrick and Victoria Derbyshire 8.00 Nicky Campbell 12.00 The Midday News. Presented by Alan Ross 1.00pm Ruzo and Co 4.00 Drive 7.00 News Extra with David McNeil 7.30 Time of My Life. Anne Parker with 8.00 Inside Edge 8.00 Hoops. Presented by Pat Freedy M 9.30 Sportsnight with Tilde Rowell 10.00 Late Night Live 1.00am Up All Night

VIRGIN

6.30am Chris Evans 9.30 Russ Williams 1.00pm Nick Abbot 4.00 Harriet Scott 7.30 Janey Lee Grace 10.00 Mark Forrest 1.00am James Merril 4.30 Jeremy Clark

TALK RADIO

5.00am Bill Overton 6.00 The Breakfast Show 9.00 Scott Chisholm 12.00pm Loraine Kelly 2.00 Anna Reabum 4.00 Peter Dingley's DriveTime 6.00 The Sports Zone 6.00 James White 12.00am Ian Collins

RADIO 3

6.00am On Air with Stephanie Hughes. Includes Ravel (Piano Concerto in G); Wagner (Prelude: Die Meistersinger); Handel (L'air du Seraphim, Serenno). 9.00 Masterworks with Penny Gore. Mozart (Overture: The Magic Flute); Bach (Preludes and Fugues Nos 15-20, 48, Book 1); CPE Bach (Harpischord Concerto in A, Wq29); Beethoven (Symphony No 10). 10.30 Artist of the Week: Barbara Hendricks. 11.00 Sound Stories: St Francis. 12.00pm Composer of the Week: Joseph Haydn. 1.00 The Radio 3 Lunchtime Concert: Ex Cathedra. Under Jeffrey Skidmore performs music by Renaissance and early Baroque masters. 2.00 The BBC Orchestral Orchestra of Wales under Vasily Sinaisky. Mark Wigglesworth and Tadaaki Otaka, with Julian Rachtin, violin. Musorgsky, ed Rimsky-Korsakov (A Night on the Bare Mountain). 3.00 The Radio 3 Choral Society (Violin Concerto in D); Strauss (Also Sprach Zarathustra). 4.00 Ensemble (1). 4.45 Music Machine: The Wagner Tube. 5.40 In Time Sean Rafferty profiles the composer. Performer and instrument designer Harry Parth

RADIO 4

5.30am World News 5.35 Shipping Forecast 5.40 Inshore Forecast 5.45 Prayer for the Day 5.47 Farming Today with Anna Hill 6.00 Today with John Humphrys and James Naughtie 6.25 (LW) Yesterday in Parliament 9.00 In Time with Melvyn Bragg 9.30 Shorelines: Tangle of the Isles (3/5) 9.45 (FM) Series: The Interesting Narrative Olaudah Equiano's account of 18th-century slavery, read by Colin McPhee (4/5) 9.45 (LW) Daily Service 10.00 Woman's Hour with Jenni Murray 11.00 Crossing Continents Grave problems are threatening Akademgorodok, Russia's so-called city of scientists 11.30 Colvi and Soames: Bad Apples Christopher Lee's thriller, Henry, Alex and Guscott search the list of the late Norman Tate with Christopher Benjamin and Amanda Redman (5/6) 12.00 (FM) News 12.04pm You and Yours with Liz Barclay and John Wale 12.00 (LW) News Headlines; Shipping Forecast 1.00 The World at One with Nick Clarke 1.30 Brain of Britain 1998 The fourth semi-final of the general knowledge contest 2.00 The Archers (1) 2.15 Afternoon Play: A Soap Queen for New Delhi Neil Harris's play about a chambermaid whose favourite soap character comes to stay at her hotel during a visit to India. Starring Judy Buxton, Nina Wadia and John Cusack (1) 3.00 Call You and Yours: 0171-6580 4444 Peter White presents the consumer debate programme 3.30 Speakers' Corner An estate agent learns the art of public speaking in 15 minutes flat (1) 3.45 Poetie Justice by Joe Holme. A couple are alarmed by the local water authority's plans. Read by Nigel Anthony (1) 4.00 Law in Action Legal programme, presented by Marcel Berins 4.30 The Material World Trevor Phillips and guests discuss the disease agents known as priors, which became big news during the BSE crisis 5.00 PM with Clare English and Charlie Lee-Potter 6.00 Six O'Clock News 6.30 Kate and Cindy Comedy by Sarah Parkinson, who also co-stars with Felicity Montagu (5/6) 7.00 The Archers 7.15 Front Row Arts programme, presented by Frances Stock 7.45 Still Waters by Sergio Casci (1) 8.00 Pop! Bridget Rosewell examines the history of the world's economic high and low points, from the supermarkets to the stockmarket (2/5) 8.30 The Week in Westminster Rachel Sze Wester reports from behind the scenes at Westminster 9.00 Leading Edge Geoff Watts weighs up the latest scientific findings on mass extinctions 9.30 In Time with Melvyn Bragg (1) 10.00 The World Tonight Current affairs programme 10.45 Book at Bedtime: Another World Paul Barker's Read by Robert Glenister (4/10) (1) 11.00 Late Night on 4: The Cradley topical comedy series, by Mike Haskins and Giff Rhys Jones. Simon Godley and Felicity Montagu star 11.15 MacLennan The Memory Years Comedy, by John Langdon. With Leslie Phillips 11.30 (FM) New Radio News series of innovative works by in-line producers, starting with a film for Gull War land 11.30 (LW) Today in Parliament Roundup of proceedings in both houses 12.00 News 12.00am The Late Book: A Man in Full William Hooper reads Tom Wolfe's novel (9/10) (1) 12.48 Shipping Forecast 1.00 An World Service

FREQUENCY GUIDE. RADIO 1. FM 97.6-99.8. RADIO 2. FM 88.0-90.2. RADIO 3. FM 90.2-92.4. RADIO 4. FM 92.4-94.8. LW 198. MW 720. RADIO 5 LIVE. FM 630. 909. WORLD SERVICE. MW 630. 909. (12.45-6.55am). CLASSIC FM. FM 100-102. VIRGIN RADIO. FM 105.8. MW 1197. 1215. TALK RADIO. MW 1053. 1083. Television and radio listings compiled by Ian Hughes, Rosemary Smith, Susan Thomson, Jena Gregory and John McNamara.

مَكْنَزَانِ الْأَصْل

Revealing programme, but is it too much?

Just when you were beginning to think that it's difficult for someone to grow old and grey gracefully if they insist on clinging to the lifestyle and dress sense of an 18-year-old, someone like Peter Stringfellow comes along to make you realise that, in actual fact, it's utterly impossible.

The first programme in Lucy Blakstad's four-part series *Naked* (BBC2) last night made a well-timed case for the body of Mike, Mike, like Stringfellow, is fighting against the physical ravages of turning 50.

Blakstad — who is best remembered for *Lido*, an elegant film she made for *British* Times — says that it is about "anxieties, obsessions, hang-ups, loves, hates, everything you feel about your body. I'm hoping that when people watch this series, they will see something of themselves, and rush to the mirror and have a look at their naked bodies."

it looked like Mike? Is she mad? In this opening programme *Eighteen 'til I Die* Blaszkid followed a handful of men and women facing up to having a midlife-aged body. The cameramen stroked the surface of each participant's skin in such a way that you felt like a spy looking for a conveniently hidden microdot. Occasionally you'd be looking at the screen thinking that the TV must have short-circuited and switched itself over to the Discovery Channel and that you were now strolling at a large-scale map of the tributaries that trickle from the Amazon. Then the camera would retreat a fraction and you'd realise that you're actually been staring at two square inches of a 54-year-old man's skin, or the crows' feet of a 53-year-old woman. There was certainly a lot of poetry, and a lot of irony in this camerawork, but there was also a *lot* of skin, much of it Mike's.

Mike — who sports a long grey ponytail, even though there is no obvious evidence that any of these hairs are rooted on the front of his scalp — has decided not to give in to age and gravity. This is because he only likes dating girls who are aged between 18 and 20. So he has bought himself a Porsche and some black Calvin Klein underpants, which he praises as “a nicely cut underpart. They make me feel like a million dollars really. But they do hugger-all for your arse or your tummy.”

You might think this sort of programme an honest antidote to the lithe naked bodies on which television normally feasts, but it is far from a celebration. By choosing to start her investigation with middle-age, Blakstad may well have located the pivot at which our qualms about our bodies plunge into panic. But it makes for sombre viewing. Pamela has

REVIEW

Joe Joseph



chosen celibacy rather than risk disgusting a man with her ageing body. Between them, Neil and Maureen have had almost as much plastic surgery as Phyllis Diller, whose forehead comprises mostly ankle skin.

Even Mike knows that he's deceiving nobody but himself. The Porsche, the Calvin Kleins, the fancy restaurants, they're just his way of diverting a woman's eye from

skin which he says now resembles woodchip wallpaper and a spare tyre that sticks like a sucker to the enamel when he takes a bath.

Mike has even perfected ways of hiding his body from the women he manages to lure home: 'A good one is if you get into bed before your partner. The idea is you roll over to their side and when they come in and are surprised to find you are in bed, you say, 'Well, I'm on your side because I'm warming it up for you, love'. That stops you sitting on the edge of the bed looking like so much of a Teletubby.' Yeah, but what if she gets in and squeals, 'That's great Mike, but why have you warmed up so much of my side of the bed?'

It turned out to be a hot night for sex tips. Here's another one, this time from a woman: "Don't waste money on a vibrator, get a Harley" (although, it's obviously not so discreet for furtive office use). That was Tash. She's a member of

Women In The Wild. Britain's only all-female bikers club, which was the subject of **Behind Closed Doors** (BBC2). These women — aged between their early twenties and 48 — don't hide behind a pair of Calvin Kleins. Most of them don't wear anything at all under their leathers, apart from tattoos. "We're not just dumb blondes or silly little girls on bikes," Bet told us. "We're more than that."

Many of them were several stones more than that. But that doesn't seem to bother them, either. They take strength from their sisterhood. They mostly sounded happier than they looked. "We're not the hard women of biking," said Linda. "We're the *hardened* women of biking. We've had broken hearts and been messed around by umpteen amounts of people. And now it's time to stand on our own."

they you'd hear Becky Sharp saying. But what would a modern Becky be getting up to? That's exactly what *Vanitas Fair* today? Andrew Davies, who wrote the script for the BBC's current adaptation, told *Omnibus* (BBC1) that "it would certainly centre on London", flitting between the palaces of gentlemen, gentlemen's clubs, the Grosvenor and the House. Graydon Carter, Editor of *Vanitas Fair* magazine, was sure that "Thackeray would set it in New York, in the fashion or media community, or Hollywood, perhaps." Max Clifford thought that "it would be a very successful, she could easily become a very successful TV presenter and a household name". Are we all opportunists now?

"Ah! Vanitas, vanitatum!" wrote Thackeray. "Which of us has his desire? or, having it, is satisfied?" Certainly not Mike. Who knows.

BECI 11/11/11

- 6.00am Business Breakfast** (28432)
7.00 BBC Breakfast News (1) (38387)
8.00 Kilroy TV (3223958)
9.40 Style Challenge (9059510)
10.05 City Hospital (1) (919432)
10.55 News Regional News, Weather
11.00 (959367)
11.00 Good Living with Jane Ash
11.25 Can't Cook, Won't Cook (1) (596617)
11.55 News; Regional News, Weather
12.00 (6214846)
12.00pm Pass the Buck (454981)
12.25 Going for a Song (4580688)
12.50 The Weather Show (1) (67663820)
1.00 One O'Clock News; Weather
1.30 (88964)
1.30 Regional News; Weather (73925442)
1.40 Neighbours Draw searches for girlfriend (1) (67545959)
2.06 Snooker: UK Championship Live coverage from the quarter-finals at the Bournemouth International Centre (9587317)
3.25 Children's BBC: Playdays (665452)
3.45 Fireman Sam (8120020) **3.5**
Rugrats (2075220) **4.20 Mr Wryn**
4.30 (4396775) **4.35 Smart** (7437539) **5.0**
Newsround (1168249) **5.10 Byker Gro**
5.35 Neighbours Draw searches for girlfriend (1) (414268)
6.00 Six O'Clock News; Weather (1) (959)
6.30 Regional News Magazine (538)
7.00 Watchdog with Anne Robinson
Consumer investigation show, putting some of the biggest names on the high street under the spotlight (1) (213)
7.30 EastEnders Grant and Louise are thrown together (1) (423)
8.00 Animal Hospital The vets help a lowly swan brought crashing to earth by storm weather, and a bottle of Viagra comes to an eye operation (1) (588)
8.30 Molly Molly and Prof. Molly Badham who founded Twycross Zoo in Warwickshire, one of the world's most respected primate zoos (1) (7688)
9.00 Nine O'Clock News; Regional News; Weather (1) (8210)
9.30 diamonds! Ben's supposed mother
causes chaos in the factory and incurs Stan's wrath by pursuing a discarded romance, while Annie organises a heated debate (1) (30510)
0.00 They Think It's All Over Nick Hancock and the regulars are joined by Jonathan Ross and the American comedian, Vicky Herley (1) (92862)
0.30 Celine Anderson All Talk Celebrity interviews (19210)
1.00 Question Time From Newcastle, with Chair: Cheryl Siles, hosts of the Democratic Movement, Nigella Lawson and Alistair Darling, Secretary of State for Social Security (1) (203084)
2.05am Desperate Justice (TVM 1993)
Harrowing legal drama, starring Lesley Ann Warren as a woman who swears revenge on the man wrongly acquitted of attacking her (1) (4515114)
1.30 Weather (1267068)
1.35 BBC News (2473938602)

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BBC2

- 7.00am CBBC Breakfast Show:** The Adventures of the Garden Fairies (5371220) 7.05 Teletubbies (2189882) 7.30 Tom and Jerry Kids (284201) 7.55 Blue Peter (5265591) 8.20 Robins and Sue (9886336) 8.45 Just So Stories (6591442) 8.55 The Adventures of Mr. Garden Fairies (5080713) 9.00 Joe Bar (7196929) 9.10 Beetle Film (576862) 9.25 Watch (8133381) 9.45 Corny Outsize (8133336) 10.00 Teletubbies (6887110) 10.30 Storytime (3798862) 10.45 The Experimenter (9592201) 11.05 Space Age (9136881) 11.15 Zip Zag (9460959) 11.35 Lifeschool (1616581) 12.00 Jack Bank (3312424) 12.05 English Film (3794336) 12.30 Working Lunch (2568110) 1.00 Just So Stories (98856997)
- 1.10 The Arts and Crafts Hour** (2345084)
2.10 Wildlife on Two (r) (7048379)
2.35 News: Weather (r) (7727249)
2.40 Westminster with Diana Medley (Parliamentary news) (5537688)
3.20 News: Weather (r) (7411268)
3.25 Snooker: UK Championship Further live action (5583713)
5.00 Star Trek: Deep Space Nine World enlisted on a mission for the Klingon Empire (r) (756713)
6.45 Snooker: UK Championship (5691443)
7.31 First Sight Nicky Campbell reports on new legislation designed to give the police greater powers in dealing with known paedophiles living in the community (715)
8.00 [CHOICE] Jools' Beat Routes Jools Holland explores music abroad, starting with a trip to the heart of Eastern Europe, Budapest (r) (94223)
8.30 Top Gear Steve Berry offers his views on Jeep's new Grand Cherokee, while Vicki Butler-Henderson has fun testing the Tommy Kara ZC sports car (r) (88330)
9.00 Third Rock from the Sun Dick Cavett reports that some humans think his family is a little weird, and attempts to normalise them (r) (857581)
- 
- A look at the history and development of radar (5.25pm)**
- 9.25 [CHOICE] Science at War** Insight into the development of radar (r) (711442)
10.15 Winners' Tales with Jancie Robinson Cris of Hobbit: the country's oldest winners' merchants (r) (516866)
10.25 Video Nation (r) (223005)
10.30 Newsnight (r) (937249)
11.15 Snooker: UK Championship Highlights

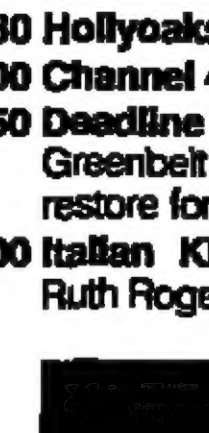
HTV

- 5.30am ITN Morning News (65442)
6.00 GMTV (9663171)
9.25 Trisha (1) (8872648)
10.15 This Morning (1) (5002568)
12.15pm HTV News and Weather
(3355775)
12.30 ITN Lunchtime News; Weather
(45442)
1.00 Shordland Street (93152)
1.30 Home and Away (1) (44713)
2.00 The Jerry Springer Show (1) (679438)
2.40 Supermarket Sweep (1) (2994626)
3.10 ITN News Headlines (1) (7402510)
3.15 HTV News (1) (7401881)
3.20 CPT: Wizardora (7499046) 3.30 Kipper
(7873930) 4.35 Paddington Bear
(8132888) 3.55 Cow and Chick
(2063636) 4.15 Hey Arnold! (895124)
4.40 The Worst Witch (8722667)
5.10 A Country Practice (4387152)
5.35 HTV Crimemasters (835930)
5.40 ITN Early Evening News; Weather
(373572)
6.00 Home and Away (1) (1) (135442)
6.25 WALES: Wales Tonight; Weather
(904423)
6.25 WEST: HTV Weather (833607)
6.30 The West Tonight (1) (607)
- 
- Kim (Claire King) stands accused of the stud-farm robbery (7pm)
- 7.00 Emmerdale: Is Kim a broken woman? (7:20T)
7.30 WEST: We Can Work It Out (591)
7.30 WALES: Wales This Week (591)
8.00 Michael Eason's The Strike It Rich Quiz show (1) (3249)
8.30 Police, Camera, Action! Alistair Stewart presents another selection of real-life motorway madness captured on camera, concentrating on the dangers posed by speeding motorists (1) (5084)
9.00 Picking Up the Pieces Geoff and Lesley make a serious error of judgement sending a suicidal teenage girl over the edge. Starring Ken Christiansen and Diane Parish (5/8) (1) (1997)
10.00 News at Ten; Weather (1) (87930)
10.30 HTV News and Weather (1) (872189)
10.40 WEST: Regional Briefs (2/3) (996201)
10.40 WALES: Celtic Radicals (996201)
11.10 WEST: Canvas The future of book publishing (1) (406040)
11.10 WALES: Now We Are Four (1/2) (406040)
11.40 WEST: Run with the Ball (1) (837510)
11.40 WALES: We Can Work It Out (837510)

CENTRA1

- AS HTV West** except: 12.20pm-12.30 Central News; Weather (T) (9632336) 1.00 Echo Polo (93152) 1.30 Jerry Springer (T) (942923) 2.10-4.00 Home and Away (T) (952453) 5.15-5.30 Central News (T) (74018) 5.10-5.40 Shortland Street (438715) 6.25-6.55 Central News; Weather (T) (11013) 6.55-7.00 Lifeline (T) (435249) 10.30-10.40 Central News; Weather (T) (872189) 10.40-11.00 Videotek Special (761133) 11.40-12.20 Live in the City (T) (942923) 12.20-12.30 TV (4/7) (886144) 2.05 TV at the Reading Festival (9555027) 3.00 Box Office America (T) (5241308) 3.25 The Haunted Flatland (T) (524258) 3.50 Heirloom (2177533) 4.10 Central Jobfinder '98 (T) (640139) 5.20-6.25 Aslan Eye (4369176)
- MIDWEST COUNTRY**
- AS HTV West except: 12.15pm-12.22 News; Weather (T) (3395775) 1.00 Emeraldale News (93152) 1.30 Jerry Springer (T) (942923) 2.10-4.00 Home and Away (T) (952453) 5.15-5.30 Central News; Weather (T) (74018) 5.10-5.40 Home and Away (T) (438715) 6.00-7.00 Westcountry Live (T) (2013) 7.00-7.10 News (872369) 10.45 Cadie's Quest (8/8) (8858) 11.15 Videotek Special (67262) 12.15pm-12.40 Campus Cops (8936718)
- MIDLAND**
- AS HTV West except: 12.15pm-12.30 News; Weather (3395775) 5.10-5.40 Home and Away (T) 6.00 Meridian Tonight (T) (652453) 6.55-7.00 News (872369) 10.40-11.00 Meridian News; Weather (T) (872369) 11.05-12.40 FILM: One Good Cop (7265279) 5.00am FreeScreen (T) (40973)
- AS HTV West except: 12.20pm-12.30 News; Weather (9632336) 1.00-1.30 Spidey Second (93152) 5.10-5.40 Shortland Street News/What's On (435249) 10.30-10.40 News and Weather (T) (872369) 10.45 Cover Story (3/4) (885891) 11.15 First Take (89279) 11.15-12.40 Anatomy of Disaster (176620)
- STARTS: 5.55am Seaside Street (T) (62130355) 6.00 The Big Breakfast (8636126) 9.00 Newsday in Action (7402016) 9.30 Soapstar News (5020035) 9.40 On the Waterfront (20263957) 10.00 Middle English (3769197) 10.15-10.50 Schools at Work (7687971) 10.50-11.00 Fountains Farm (2220027) 10.30 Scientifics (7705539) 10.50 Book Box Poetries (57502168) 11.00 The Number 23 (952453) 11.10 Topki (9426275) 11.30 Powerhouse (T) (648646) 12.00pm Judy Brown (T) (5351882) 12.30 Sesame Street (10898794) 1.00 Planned Parenthood (9686364713) 1.00 Migmas (T) (80868794) 1.11-1.15 Pingus (T) (80861248) 1.30 Little Britain (952453) 1.35 FILM: Count Your Blessings (T) (3316808) 3.30 Collectors' Lot (T) (43357713) 4.00 Fifteen-to-One (T) (33838220) 4.30 Ricki Lake (T) (43932404) 5.00 Planned Planet; Uned 5 (6599777) 5.30 Countdown (T) (43595884) 6.00 Newsday in Action (7402016) 6.10 Hemo (T) (68576797) 6.25 Paul y Carm (T) (6616806) 7.25 Penhwybys (T) (6616806) 7.40 Newsday (7292607) 5.00**

CHANNEL 4

- CHANNEL 4**
- 5.55am Sesame Street (3775539)
7.00 The Big Breakfast (98607)
9.00 History in Action (5572048) 9.20 Geographical Eye Over Britain (5585010) 9.30 Oil the Walls (9817084) 10.00 Middle English (5785404) 10.15 Schools at War (2972404) 10.20 Fourways (5413881) 10.30 Scientific Eye (950400) 10.50 Book Box Poetry (5170713) 11.00 Number Crew (9139978) 11.10 To Catch a Thief (458084)
11.30 Powerhouse (10) (4713)
12.00 Sesame Street (17171)
12.30pm I Dream of Jeannie (1) (43084)
1.00 Judge Joe Brown (1) (57402978)
1.35 The Three Stooges (1) (483017)
1.55 The Franchise Affair (1980) A woman accuses two upper-class women kidnapping and ill-treating her. With Dulcie Gray (1) (94272607)
3.30 Collectors' Lot War-time toys (1) (713)
4.00 Fifteen-to-One (1) (220)
4.30 Countdown (1) (7421978)
4.55 Ricki Lake (1) (5040201)
5.30 Pet Rescue Roadshow Vet Ann Merchist rescues a budgie (1) (864)
6.00 Roseanne Don't lets like a failure or the loss of the bike shop (1) (697)
6.30 Hollyoaks Tony proposes (1) (248)
7.00 Channel 4 News; Weather (1) (59053)
7.50 Deadline 2000 The work of the Greenbelt Movement which aims restore forests in Kenya (1) (753442)
8.00 Italian Kitchen Two Rosemary and Ruth Rogers prepare fish (2/6) (1) (459)
- 
- A look at the life and work of the photographer Ray Lowe (8.30pm)**
- 8.30 **CHOICE** Personal Services The work of photographers, focusing on Ray Lowe, an expert from Hertfordshire who specialises in capturing family portraits and weddings (3/5) (1) (3826)
9.00 Body Story Exploration of how alcohol affects human behaviour (3/6) (1) (322)
9.30 Dispatches Is there a link between carnivorous diet and sterile dentistry? (2/220)
10.00 The Babyzetter (1994) A teenager receives a chilling visit from two drunkards who have become obsessed with her. Drama, starring Alice Silverstone (1) (548355)
11.40 Dawson's Creek Speculation about what a serial killer is on the prowl (7/2562)
12.40am For the Love of Faith Jon Roofs fleams about the spiritual experiences Tibetan Buddhism (5/8) (212089)

CHANNEL 6

- CHANNELS**
- 6.00am 5 News and Sport** Head round-up (2473336)
- 7.00 WorldWide** (T) (6139713)
- 7.30 Milkshake!** (5866305)
- 7.35 Wiltzie's House;** (T) 5 News Update (1850249)
- 8.00 Newsline** (T) (2536591)
- 9.00 Dappledown Farm;** 5 News Update (2535862)
- 9.30 The Antiques Hunter** (T) (745598)
- 9.25 Russell Grant's Postcards** (4218626)
- 9.30 The Oprah Winfrey Show** (9907778)
- 10.20 Sunset Beach** (T) (2076355)
- 11.10 Looza** (T) (9081220)
- 12.00pm 5 News at Noon** (T) (2546878)
- 12.30 Family Affairs** Josh stands his ground (T) 5 News Update (4777046)
- 1.00 The Bold and the Beautiful** Laura regrets her past mistakes (T) (613806)
- 1.30 Sons and Daughters** Kerry asks for help; 5 News Update (476317)
- 2.00 100 Per Cent Gold** (5784930)
- 2.30 Good Afternoon** An hour of entertainment, featuring Liverpool Muppets Go Public; and Cryptogram; 5 News Update (106713)
- 3.30 The Hired Hand** (1971) An errand husband returns to his wife after six years' absence, but finds she will not take him back as a paid worker. **Warning:** starring Peter Fonda (T) (5557571)
- 5.20 The Roseanne Show;** 5 News Update (9348751)
- 6.00 100 Per Cent** (5299794)
- 6.30 Family Affairs** Mel learns Josh has crush on her (T) (5280046)
- 7.00 5 News; Weather** Round-up of the day's stories (T) (5795046)
- Sharks: some of the oceans' most feared predators (7.30pm)**
- 7.30 Watney World** New series of aquatic wildlife documentaries: (T) 5 News Update (5279930)
- 8.00 Wing and a Prayer** Simon is caught between two vengeful bank robbers, as Christies against a woman suing for sexual harassment on the day his marriage collapses. **Warning:** starring Kate Buflay and Rita Wolf; (30) (T) 5 News Update (6044794)
- 9.00 CRUISE** Miss World The Seychelles play host to this year's beauty contest. Hosted by Ronan Keating; News Update (19163997)
- 10.50 Sex and Shopping** Three male pr...

For further listings see

Saturday's Vision
KY 1

10am The Simpsons (23317) 7.30 The
Mrs Evans Breakfast Show (39794) 8.30

- [illegible]

15249) 4.00 About Sarah (1998) (7220)
5.00 Tom and Huck (1998) (75882) 7.30

- [illegible]

SKY SPORTS 2

- [illegible]

...and the ...

- [illegible]

- role of Ellen Ripley in the third
(Slay Box Office 4)
- Champion of the World (1989) 5.2
 Microchip 10.0U Close
- FOX KIDS NETWORK**
- 8:00AM Power Rangers 7.0U M-M
 8:30AM Kombat: The Story of
 Goosebumps 8.0U Scooby-Doo: Mystery
 8:00 Masked Rider 8.3U The Incredible
 Hulk 10.0U X-Men 10.3U X-Men II 11.0U
 Spider-Man 11.0U Life with Louie 12.00P
 Ace Ventura 12.30 Cooper 12.45 Tootie
 1:00M 1:30M Sam and Max 1:15E Home
 2:00P The Incredible Hulk 2:30E In
 M-M 2:30 X-Men 3:00P Spider-Man 3:30P
 and Lucie's Big Boys 3:35P Mortal Kombat
 4:00P Bunsen of Animal Detectives 5:00P
 Goosebumps 5:30E Earle, Indiana, T
 Other Demos 6:00P Donkey
 Country 6:30P Howdy! 7:00P Close
- NICKELODEON**
- 8:00AM Fraggle Rock 8:30 Muppet Babies
 7:00 Hey Arnold! 7:30 Rugrats 8:00D Close
 8:30P Arthur 9:00D Channel 5's
 Winona's House 10:30E Estar! 11:00E The
 Magic School Bus 11:30P Beavis and
 Butt-Head 12:30P Star Trek: Voyager 1:00P
 12:00P Gunship 12:30P Star Trek: Voyager 1:00P

Bananas in Pyjamas 1.30 Little Bear Story
2.00 Rocky and the Dodos/Bagpuss
Mon. 2.30 Children's BBC 3.30 A

- [illegible]

25th Century 10.00 Quantum Leap 1
Dark Shadows 11.30 The Ray Brad
Theatre 12.00 The Tudor Zone

- Tales of the Unexpected 1:30 Tales of the Unexpected 2:00 The Invisible Man 2:30
 Back Stage in the Fifth Century 3:00
 The Legend of the Blue Bird 3:30
 Paramount 5:00 Brightside 6:00 Time
 Warner Classic Leap 6:00 Space Rambo
 6:30 The Legend of the Blue Bird 7:00
 (1985) 12:00am The Twilight Zone
 12:30am The Legend of the Blue Bird
 1:00am The Legend of the Blue Bird
 Ray Barlow Theatre 2:00 Tim Tm
 Zone 3:30 Dark Shadows 4:00 Close
- ## HOME & LEISURE
- 8:00am The Joy of Painting 8:30 The Golf
 Gardening Plot 7:00 Garden Doctors
 7:30 The Golf 8:00am The Golf
 Adventures 8:30 Furniture on the M
 9:00 The Joy of Painting 9:30 The Ho
 10:00 The Golf 10:30 The Golf
 Gardening Plot 10:00 Garden Doc
 10:30 The Golf 11:00 The Golf
 11:30 The Golf 12:00 The Golf
 12:00pm Home Again With Bob Vila 12
 The House 1:00 Cookbook With G
 1:30 The House 2:00 The House
 Cabin 2:30 The House 3:00 T
 Country 3:30 The House 3:45 Wells
- ## DISCOVERY
- 4:00pm Real Hunt Hunting World 4:30
 Wildlife's World 5:00 The Fight
 Ancient Warriors 6:00 Animal Doctor
 Wild Discovery Ocean Wildlife 7:00
 7:30 The Fight 8:00 The Fight
 8:30 Science Frontiers: Fighting
 G-Force 9:00 Weapons and Ke
 9:30 The Fight 10:00 The Fight
 Super Twice Conscious in Birth 11
 Forensic Detectives 12:00am Inter
 Case: Love Long and Prosper 1:00
 1:30 The Fight 2:00 The Fight
- ## ANIMAL PLANET
- 12:00pm Profiles of Nature 1:00 Animal
 1:30 2:00 Nature World 2:30
 Pelister 2:00 Wildlife 3:00 3:30
 Humannature 3:30 Zoo Story 4:00
 Animal Adventure 4:30 Zoo Story
 Henry's Progress 5:00 Zoo Story
 John Pelister 6:00 Nat's Creatures 6
 Jesse 7:00 Animal Planet Classics
 7:30 Zoo Story 8:00 Zoo Story
 Blue Real Adventure 8:30 Emergency
 10:00 Wildlife Rescue 10:30 Nature
 Alert 11:00 Emergency Vets 12:00

NATIONAL GEOGRAPHIC
7.00pm The Urban Gorilla 8.00

- [illegible]



CRICKET 48

Stewart's technique comes under renewed scrutiny in Australia

SPORT

THURSDAY NOVEMBER 26 1993

Return to Scotland colours may follow move to Newcastle Ferguson enjoys fresh start

BY GEORGE CAULKIN

THE detente extended to smiles and handshakes, the frosty glare previously reserved for defenders, journalists and Scottish football officials was replaced with happy words of conciliation. In every practical sense, Duncan Ferguson appeared intent on making a fresh start yesterday after wrapping up the few remaining details of his £8 million transfer from Everton to Newcastle United.

That British football's most enduring cold war should result in such an amicable truce was remarkable in itself. It was Ferguson's decision to present himself on an impromptu stage inside St James' Park before the media pack he has routinely shunned, a precedent only superseded by the olive branch he offered to the Scotland team from which he prematurely took his leave last year.

"At the moment, Newcastle are the closest thing in my thoughts, but in the future it could be Scotland. We'll have to wait and see," the striker said. He won the last of his seven caps in a 2-0 defeat of Estonia in March last year before taking a stand against the Scottish Football Association (SFA) and the 12-match suspension they dispensed in the aftermath of the pivotal moment of a tempestuous career.

It was in 1995 that Ferguson, then at Rangers, was sentenced to a three-month jail term for his part in an on-field head-butting incident involving John McStay, of Raith Rovers. However, it was the treatment meted out by the SFA — he described it as a "witch-hunt" — that provoked his decision to forsake his country.

Sitting alongside Ruud Gullit, the Newcastle manager, and Freddy Shepherd, the chairman, those dark days were all but forgotten yesterday. Ferguson talked of his sorrow at leaving behind a set of supporters who quickly elevated him to superstar status when he left Ibrox for Goodison Park four years ago, and his anticipation at forming a potent striking partnership with Alan Shearer.

Whether that can be maintained as a long-term ambi-



Ferguson stands head and shoulders above his new colleagues as he takes part in his first training session with Newcastle United yesterday

tion is uncertain. While Ferguson insisted that he was "really looking forward to teaming up" with the England captain, reports linking Shearer with Barcelona and Juventus were once more emerging. Gullit, though, is preparing to play them in tandem.

He will also be pressing his first Newcastle signing, who chose to get married rather than play in the World Cup last summer, to reopen a channel of communication with Craig Brown, the Scotland manager. "I would like him to play for Scotland again," Gullit said. "I think it's good for every player's career to play for his country. Duncan had some difficulties, but I think they can be overcome."

"Firstly, he has to play for us, and we're going to do everything we can to get everything possible out of his talent. He

can make whatever decision he wants to make. I'm not going to do anything to force him."

Gullit revealed that the long-standing admiration he has held for Ferguson stretched back to his managerial tenure at Stamford Bridge. "When I was at Chelsea, we were thinking of him," he said. "He was in the picture then." Five years

Liverpool found lacking... 52
Kidd on shortlist... 52
Evers excels in Italy... 52

earlier, then managed by Kevin Keegan, Newcastle had also inquired of the player's availability. On that occasion, Dundee United, Ferguson's first club, rejected their advances.

Of his hasty departure from Merseyside, Ferguson was particularly enlightening, casting doubt on the assertion of Walter Smith, the Everton manager, that he knew little concerning his team captain's impending departure. "Walter

Smith spoke to me on Monday morning and told me the club were inviting offers for me," Ferguson said. "That's when I knew the club were putting me up for sale."

"I was surprised that they were prepared to let me go considering the position they are in the league, but that is their agenda. Once I realised Newcastle were interested in me, it was an easy decision."

"I had a great relationship with the Everton fans and they know that I'll miss them. Part of me will always be at Goodison. But my future is at Newcastle now. I'm looking forward to it."

Complete with his Everton tattoos — "Maybe I'll get a Newcastle one if I'm here long enough" — his prized racing pigeons ("I'll have to drive them up in the car"), his estimated £40,000-a-week wages and the No 20 shirt that now becomes his own, a misunderstood player who, in Gullit's words, has "so-called balls," prepares for a new beginning. Yesterday, at least, was a promising start.



Shearer seems unconcerned by the fuss over the arrival of his £8 million striking partner. Photographs: Raoul Dixon

Sainz wakes from nightmare

BY KEVIN EASON

CARLOS SAINZ woke at 4am yesterday, blinked and realised that it really had happened. The Spaniard finished the Network Q Rally of Great Britain in shock after his Toyota Corolla burst into flames and refused to carry him the last 300 metres to the finish line and the world rally championship, which went instead to Tommi Makinen.

His face streaked with tears, Sainz was emotional to the point of being speechless, leaving his Toyota team worried that the disappointment could have a painful and long-lasting effect on a man whose emotions always run close to the surface and often affect his performance.

But with the support of his wife, Reyes, and friends, Sainz was yesterday treating the incident as a point so low in his rallying life that things could only get better. "I was so upset

when it happened," he said. "There was no warning. The engine just blew and for a few seconds I was not sure what was happening or what to do. It really hurt."

"But you have to learn always in life that experiences

like this should make you tougher and make you try harder next time. The one thing I know is that I am never going to go through a situation like that again. To lose a championship with 300 metres to go is unbelievable, so I know that I have been through the worst thing in rallying and things can only get better."

Sainz had retreated to a quiet restaurant with his wife for a meal on Tuesday night, away from the post-rally party that engulfed Richard Burns, celebrating what could be the most significant victory of his fledgling career. He woke late yesterday at his Oxfordshire home, not after sleeping off a hangover caused by the celebrations but trying to recover from the short nights and long days that comprise the Network Q Rally. Long



Sainz: cruel misfortune

known as the RAC Rally, it has always been regarded as the one of the most gruelling events in the world, tough on drivers and torture for cars, as Sainz and Colin McRae both proved to their cost.

Burns has matured rapidly after only one full year on the world circuit with Mitsubishi. The Englishman, 27, was basking yesterday in the realisation of a childhood dream. He said: "The RAC was the first rally I saw and I drove in it for the first time eight years ago for fun, never thinking that one day I would be a winner."

"It would be so much more satisfying to have won with Colin and Carlos still there, but it is still wonderful to win your home rally in front of British fans. This has to be the time when I go forward and start thinking about winning the world championship seriously."

Dancer gives knockout performance

A leading ballroom dancer was carried from the floor on a stretcher after she was knocked unconscious in a collision with another dancer during the waltz in the British national championships.

Donna Shingler, who dances with her husband, Alan, was taken to hospital in Blackpool suffering from concussion and discharged the following day. The Shinglers, both 28, and tall blondes who dance with the elegance of the classical English style, won the Open British amateur in May and were second in the world amateur in Japan last month.

They were considered favourites for the final at Blackpool but, just a few bars into the waltz, the Shinglers were "in collision" with another couple doing a high-speed standing spin. Donna received a hard blow from an elbow near the back of her head.

"She told me after the foxtrot, the next

Ruth Gledhill reports how a competitor at the British national championships ended up in hospital

dance, that she did not feel very well," Alan said. "She survived the tango but went down at the end of the quickstep."

First aid staff at the Winter Gardens were immediately to hand, and Donna was given oxygen before being taken to hospital. "I drove her home the next day and she was sick three times in the car," Alan, who also suffered a fall in the same event, said. "We went to an osteopath this week, who said her jawbone was out of line and put it back for her." Their next competition will be the UK championship at Bournemouth in January.

The accident was seen as particularly

upsetting because, after a sensational demonstration at the Global Masters in Southampton last month, the Shinglers were considered to be destined for the top.

Alan said: "We wanted to be positive and do our best in the pro field as quickly as we could. I cannot say whether the standard of floorcraft was normal or not, but it was definitely rough out there. There were 14 of us on the floor, but it felt more like 40."

"It is destined to get worse. All anyone speaks about now is energy, energy and more energy. Dancers are trying to go faster and faster. I am not sure some of our dancing ancestors would agree with it. I am just afraid that we are in danger of sacrificing beauty for speed."

Rita Thomas, of the English Amateur Dance Association, agreed. "The floorcraft was quite bad. There were collisions everywhere," she said.

RUGBY UNION 51

England recall Rodber to lock scrum against Australia



Poet proves well-versed in one-liners

Simon Barnes on an unusual winner of William Hill Sports Book of the Year

There's no doubt about it — *Angry White Pyjamas* is a great title. They would have been forced to give the author the William Hill Sports Book of the Year award even if the book was hopeless. But it isn't. It's a very decent book.

There is, however, an eerie feeling about the shortlist this year. This is because it included two ghosts. The ghost-written autobiography is a sports-dominant literary form, and yet you hardly ever see a ghost on the list, let alone two. This is not so much snobbery as the fact that most autobiographies are not so much ghostly as ghostly, trapped between vanity and greed.

However, this year brought us *Addicted* by Tony Adams with Ian Ridley, and *Behind the White Ball* by Jimmy White with Rosemary Kingsland. Both of these are great tales well told.

When I heard that Adams had teamed up with the excellent Ridley, I knew this would be done right. Adams's story of his twin addictions to football and alcohol is gripping and, at times, painful. It is that rare thing, an honest ghosted book: Adams is a man who needs to tell us as it is.

He is a figure of strength and leadership. His method of dealing with the stresses of this role was binge drinking. He quotes football's great motto: "Win or lose, on the booze". The striking juxtaposition of strength and vulnerability makes this an important book for those who follow sport.

The Jimmy White book is quite different: a glorious picaresque. White is a disastrous individual without an unkind corpse in his bloodstream. True, if he goes out for a packet of fags he might not be back for six weeks, but he doesn't mean any harm by that. "I never mean to let people down — it just sort of happens, know what I mean?"

If you sometimes wonder if all the phrases are authentic Jimmy — I can't seriously imagine him talking about the sword of Damocles — the book is none the worse for that. These two books give the ghost a good name.

The dominant, as it were, "literary" literary form in sport is, at present, the post-Hornby personal account of what sport means to me, the ordinary if aware and sensitive person. The other four books on this shortlist are all of this persuasion.

The winner is subtitled "An Oxford poet trains with the Tokyo riot police". Robert Twigger, the author, won the Newdigate prize for poetry in 1985. This is a tale of a foreigner going through some rather rigorous martial arts training. He has had some unusual experiences, and he tells the story very readably.

The trouble with these personal tales as a literary form is that there are far too many characters, and you keep forgetting which is which. This is

Angry White Pyjamas
AN OXFORD POET TRAINS WITH THE TOKYO RIOT POLICE
Robert Twigger



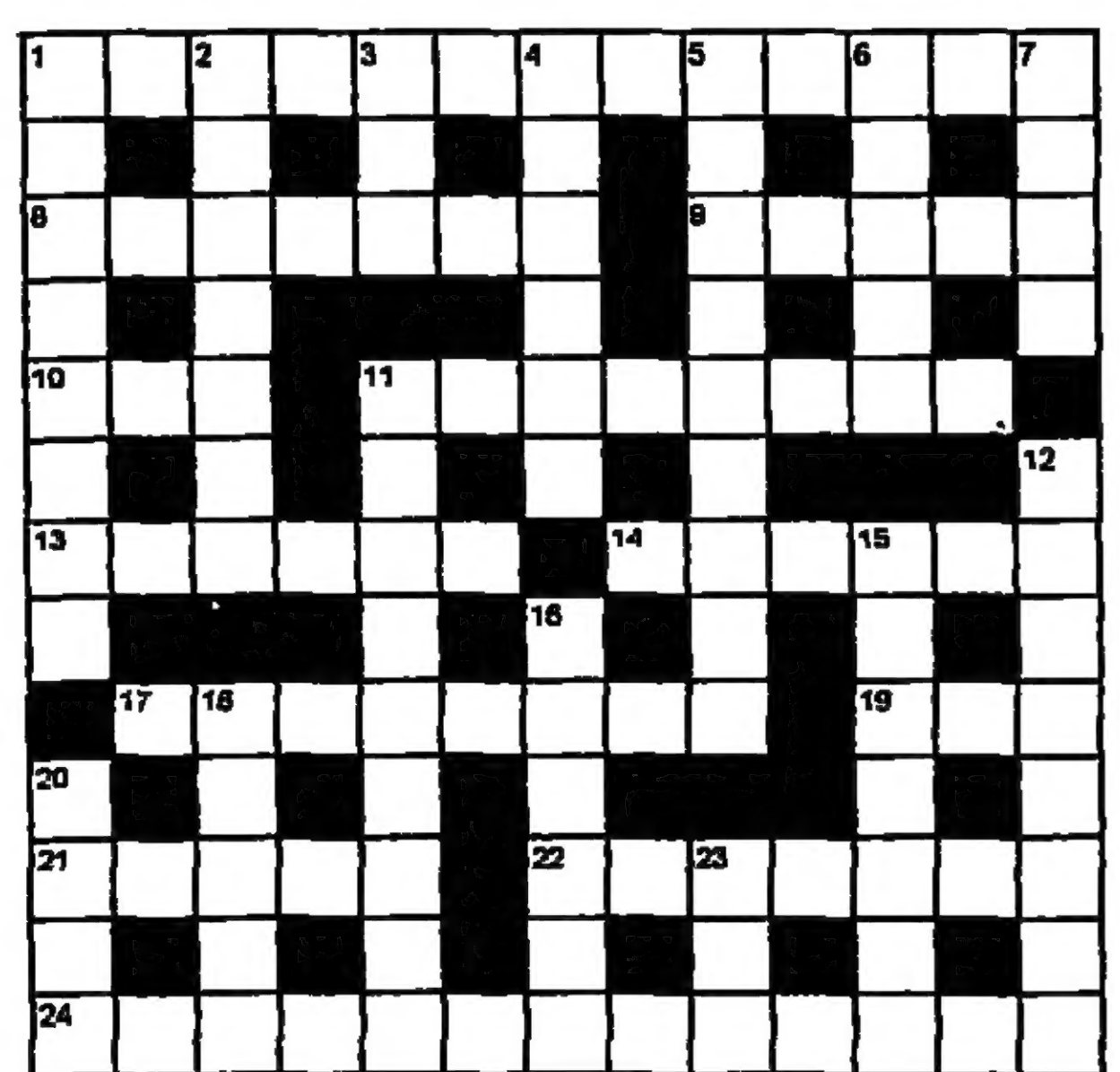
one of the reasons why novels are truer than all autobiographies, ghost or no ghost.

David Hopps's splendid *We're Right Behind You, Captain* interweaves the tale of Mike Atherton's captaincy of England with his own leadership of his village cricket team. Hopps is a great observer and he brings off some nice juxtaposition.

The other books are Colin Shindler's *Manchester United Ruined My Life*, nicely turned but un peu trop Hornby, and Donald McRae's *Changing Seasons in World Rugby*, with 100,000 words and more of white-liberal South African angst.

Twigger failed to collect his prize. He was "in the jungle looking for snakes". Good at one-liners, this man.

TIMES TWO CROSSWORD



No 1573

ACROSS

- 1 Zambesi cascade (8,5)
- 8 Summarise: coral (5,2)
- 9 Solar System occasional visitor (5)
- 10 Hazelnut; a horse (3)
- 11 Capital of Sardinia (8)
- 13 Inter-state pact (6)
- 14 Occurring intermittently (6)
- 17 Liquid slopped (8)
- 19 Unprocessed (3)
- 21 Surrounded by (5)
- 22 Appalling action (7)
- 24 Rudely challenged decision (6,3,4)

DOWN

- 1 Ravenousness (8)
- 2 Fall apart: pudding (topping) (7)
- 3 Unusual (3)
- 4 Call into question (6)
- 5 Exact copy (9)
- 6 Madagascar tree-dweller (5)
- 7 Paving block: burrow (4)
- 11 Product list (9)
- 12 Perfect (eg diamond) (8)
- 15 A mishmash (7)
- 16 To caper: frolic (6)
- 18 Pointed end of fork (5)
- 20 Celebration, festival (4)
- 23 Fasten: equal outcome (3)

SOLUTION TO NO 1572

- ACROSS: 1 Feckless 7 Bathe 8 Committal 9 Kir 10 Trim
11 Remove 13 Lonely 14 Hearts 17 Batter 18 Stab
20 Fir 22 Negligent 23 Elliot 24 Heighden
DOWN: 1 Facet 2 Campion 3 Lair 4 Sitter 5 Stake
6 Depress 7 Bloomer 12 Blatant 13 Leaflet 15 Retreat
16 Meagre 17 Braid 19 Balon 21 King

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